PAPERS LAID ON THE TABLE

Sri K. HANUMANTHAIYA (Chief Minister).—Sir, I have laid on Table :

(*a*) the Schedule of Demands for Supplementary and Additional Grants for the year 1954-55.

(*b*) the list of promises made by Government during Budget Session of Legislative Assembly, 1953 and action taken thereon.

Sri T. CHANNIAH (Minister for Public Health and Local Self-Government).—Sir, I lay on the Table :

(*a*) copies of Notifications Nos. L. 1859—ML. 123-3-3, dated 22nd May 1954 and L. B. 2907—V.P. 40-54-2, dated 16th June 1954, issued under the Cattle Trespass Act, 1871 ;

(*b*) copy of Notification No. T. 1330—R.T. 158-53-17, dated 25th June 1954, issued under the Motor Vehicles Act, 1939.

PRESENTATION OF REPORTS.

Sri K. HANUMANTHAIYA (Chief Minister).—Sir, I beg to present the report of the Public Accounts Committee on the Appropriation Account of 1950-51 and the Audit Report, 1952 and Finance Accounts, 1950-51 and the Audit Report, 1951.

Sri B. NARAYANASWAMY (Chairman, Estimates Committee).—Sir, I beg to present the second report of the Estimates Committee.

MYSORE BOARD OF REVENUE BILL, 1954.

Motion to consider.

Sri Kadidal MANJAPPA (Minister for Revenue and Public Works).—Sir, I beg to move :

"That the Mysore Board of Revenue Bill, 1954 be taken into consideration."

Mr. Speaker, Sir, this is a very important measure. Till now there were no statutory bodies in Mysore to dispose of revenue and other appeals that came up before Government. The Revenue Minister and other Ministers are exercising the appellate powers under the Land Revenue Code and various other enactments. The bulk of the appeals has gone up to such on extent that the Minister whose main responsibility is to lay down policies cannot dispose of these cases and he cannot find adequate time to hear and dispose them of. Sir, in the year 1952-53 the Government received 464 appeals. In the year 1953-54, 464 appeals were received. In the year 1954-55, up-to-date, we have received 311 appeals. In the year 1952-53, 48 Muzrai appeals were instituted ; in the year 1953-54, 40 appeals were received and in 1954-55 so far we have received 18 appeals. When I took charge, the opening balance was 354 and that year 465 were instituted, out of which 448 were disposed of. Added to it, the Revenue Minister is required to dispose of sales-tax revision petitions and tenancy revisions. In the year 1952-53, 225 revision petitions were instituted. In the year 1953-54, 120 petitions were entertained. This year, so far 70 have been entertained. Hon'ble Members can just imagine the volume of work that a Revenue Minister is required to do. He has to hear the appeals and write judgments.

Sri S. SRINIVASA IYENGAR (T.-Narasipur).—Why do you take the trouble ?

Sri Kadidal MANJAPPA.—To avoid that trouble I have brought this Bill before you so that you may give your consent very early.

1-30 P.M.

Sri J. MOHAMED IMAM (Jagalur).—On a point of clarification, I want to seek some information at the hands of the Revenue Minister. Does this Board take the place of the Government or of the Revenue Commissioner or the Excise Commissioner ?

Sri Kadidal MANJAPPA.—I will explain. The Bill proposes to constitute a Board which will consist of the Revenue Commissioner, the Excise Commissioner and the Commissioner for Local Self-Government and any other officer if the Government deem fit to appoint. The Board will exercise all the appellate and revisional powers

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exercisable by the Revenue Commissioner, the Muzrai Commissioner, the Commissioner for Land Records, the Excise Commissioner, the Commissioner for Sales Tax, the Commissioner for Local Self-Government and the Commissioner for Stamps. It will also exercise all appellate and revisional powers exerciable by the Government under various other enactments against the original orders passed by the Revenue Commissioner, the Muzrai Commissioner, the Commissioner for Land Records, the Excise Commissioner, the Commissioner for Sales Tax and the Commissioner for Local Self-Government. The Board will also exercise such other powers as may be assigned to it under any enactment. Government may, subject to such conditions, confer or entrust upon the Board additional powers and functions. It is proposed to provide for calling reports from the Board wherever the Government finds it necessary. How the Board has to exercise the powers will be matters which will be described in the rules. Provision for revision against the orders of the Board to the Government is provided for in some cases.

There is also provision for the Board to review its own orders in certain circumstances. I think this is a non-controversial measure. It is necessary in the interest of the general public as well as in the interest of the Government itself. I hope that this measure will get your unanimous approval.

ADJOURNMENT MOTION.

Accident during Dasara Procession.

MR. DEPUTY SPEAKER.—I think we will now take up the adjournment motion. I will read it once again for the benefit of the Hon'ble Home Minister.

This adjournment motion has been tabled by Sri Mulka Govinda Reddy. It is as follows :—

"This House do now stand adjourned to discuss a definite matter of urgent public importance and of recent occurrence, to wit, the failure of the Government to take adequate steps during the Dasara procession at Mysore on the 7th October 1954, resulting in the death of one person and several injured."

(SRI MULKA GOVINDA REDDY rose)

MR. DEPUTY SPEAKER.—If the Hon'ble Minister wants to make a statement before I decide upon the admissibility or otherwise of the motion, I would like to hear him first and then the Hon'ble Member.

SRI H. K. VEERANNA GOWDH (Maddur).—Sir, on a point of clarification. It is doubtful whether the matter is placed before the House at all, because the Chair has not admitted it as yet.

MR. DEPUTY SPEAKER.—I have not admitted it as yet.

SRI H. K. VEERANNA GOWDH.—So, is it not better for us to listen first to the mover of the motion and then the Home Minister may make a statement ? There is nothing for the Home Minister to make a statement now without our knowing what the facts are.

MR. DEPUTY SPEAKER.—My difficulty is this. Supposing the Home Minister makes a statement satisfactory to the mover, then he may not press for its admissibility—I do not know. If he convinces him, then there will be no need for him to move his motion. So, it is better that the concerned Minister makes a statement on such an important adjournment motion tabled. It is the Minister who will be in a position to make a statement. In spite of the statement, if the mover still wants to press his motion on his own grounds, then the Chair will be in a position to give a ruling. But, if according to you, the mover is given an opportunity now to speak, then again the Minister may want an opportunity to make a statement and then upon that statement the mover may like to say something more. That is why I say........

SRI H. K. VEERANNA GOWDH.—But, a discussion may ensue on the statement by the Minister.

Mr. DEPUTY SPEAKER.—No. Unless I admit the adjournment motion, there cannot be any discussion.

Sri H. K. VEERANNA GOWDH.—The mover of the motion has got to make out a case for the admissibility of the motion. Then I feel that the Home Minister is to be called upon to make a statement if that is necessary.

Sri J. MOHAMED IMAM (Jagalur).—I rise to a point of order. The Chair has definitely given a ruling that the Home Minister shall make a statement. In pursuance of the direction given by the Chair, I request the Hon'ble Home Minister to make his statement.

Mr. DEPUTY SPEAKER.—He has not said anything against.

Sri J. MOHAMED IMAM.—The Chair has given a ruling already.

Mr. DEPUTY SPEAKER.—The Hon'ble Member is only making a suggestion.

*Sri A. BHEEMAPPA NAIK (Molakalmuru).—I beg to suggest that there are two sides to this case. One is, the Home Minister is saying that the motion is not admissible ; that is one thing. But the Minister making a statement as to what has happened is quite a different thing. Therefore, before the Home Minister makes a statement or takes a definite stand as to its admissibility or otherwise, it is for the mover of the motion to make out a case in the first instance that the matter is of recent occurrence and is of public importance and is urgent. Without making out a case, it should not be proper for the Home Minister to make any statement or take any definite stand. So I would suggest that the mover of the motion may kindly be allowed to show how the matter is urgent and is admissible. Then the Minister can oppose it. Even when he opposes, if he makes a statement satisfactory to the mover, he (the mover) may not press it later even though it is of recent occurrence. Therefore it is necessary that the mover should make out a case before it is taken up for discussion. That is usual.

Sri H. SIDDAVEERAPPA (Minister for Home and Industries).—Sir, may I make a statement ?

Mr. DEPUTY SPEAKER.—Just one minute. Sri Bheemappa Naik, I would suggest to you to clarify your position. The Home Minister is not going either to oppose or support the motion. He is not going to give a ruling whether it is admissible or not. It is the Chair that does it.

Sri A. BHEEMAPPA NAIK.—It is not his giving a ruling, Sir. He can also oppose it and say that the motion is not admissible.

Mr. DEPUTY SPEAKER.—But this is not the stage at which he can oppose it. This is an important matter on which he has got to say something in the form of a statement. The mover will certainly be given an opportunity to say what he wishes to say on the adjournment motion.

Sri A. BHEEMAPPA NAIK.—The rule or the convention all along is that the mover makes the motion and it is for him to say how the matter is urgent and clarify the position and then leave it to the Minister concerned either to accept it or reject it. This has been the practice all along.

Sri H. SIDDAVEERAPPA.—May I make a statement ?

Mr. DEPUTY SPEAKER.—Yes.

Sri H. SIDDAVEERAPPA.—During the time of your predecessor, when such questions used to come up, the practice was to call upon the Minister concerned to make a statement and then it was for the Chair to decide whether to admit the motion or not. We have today followed the same procedure.

Mr. DEPUTY SPEAKER.—I think there is nothing wrong in it.

Sri H. SIDDAVEERAPPA.—Sir, the adjournent motion tabled by the Hon'ble Member for Chitaldrug is to the effect that the unhappy and unfortunate incident that happened on 7th October 1954 to which I will presently advert, happened as a result of the failure of this Government to take adequate steps during the Dasara procession at Mysore on 7th October 1954. No doubt it is a matter, as you were pleased to observe already, of great importance and of recent occurrence. My statement now before the House will be to confine myself only to this aspect of it, namely

* Indicates that the speech has not been revised by the Member concerned.

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whether the unfortunate incident happened as a result of the failure of the Government to take adequate steps during the Dasara procession. Briefly, Sir, I will recapitulate for the convenience of the House certain salient facts concerning this incident. To begin with I refer to the Press Note issued by the Deputy Commissioner of Mysore District on 8th October 1954.

Sri H. K. VEERANNA GOWDH.—Sir, may I submit, that the Home Minister is answering the charges against the Government ? That means, indirectly before the motion is admitted, he is answering. But the motion is not admitted.

Mr. DEPUTY SPEAKER.—I think the Hon'ble Minister may merely make a statement. As the Hon'ble Member says the motion is not before the House for discussion as yet. You can merely make a statement on the incident. The question of admissibility will come later on.

Sri H. SIDDAVEERAPPA.—Sir, I am making only a statement of fact. The facts concerning that incident on 7th October 1954 have been detailed and catalogued in the Press Note issued by the Deputy Commissioner, Mysore District on 8th October 1954. I need not dilate much upon it. This incident happened on 7th October 1954 as a result of bullocks that were drawing the gun carriage to the Banny Mantap on 7th October 1954 getting frightened by the noise of the æroplane which flew very low. The bullocks ran helter skelter thus causing this unhappy incident. Since the bullocks began to run away with the cart yoked on, naturally there was a general stampede. This incident happened right in the middle of the Sayyaji Rao Road where thousands of people had thronged to witness the Dasara procession on that day. In the general stampede that ensued 33 persons received injuries. 25 of them were admitted as in-patients and 8 were treated as out-patients. Out of the 25 that were admitted as in-patients, unfortunately one died in the hospital at 4-20 P. M. and the remaining continued to be in-patients in the hospital. One on the very same day got discharged in spite of medical advice; two have been subsequently discharged on 10th October 1954 and the remaining continued to be in-patients in the hospital. Out of those that remained in-patients the doctor's opinion is that seven of them have received fractures. And all the fractures are simple ones. Two have received serious lacerated injuries while the rest are all simple injuries. These fractures, according to medical opinion, are as a result of the general stampede that ensued and not due to any direct impact of the bullocks or coming in contact with the gun-carriage. The Doctors have further assured that all of them have got over the serious stage and according to their opinion some of them may have to stay in the hospital for a period of one week. In this connection, it may not be out of place for me to mention that immediately after this incident took place, medical aid was provided. The District Superintendent of Police and the First Class Magistrate who was on duty in that particular area got a private car, the D.S.P's car and a police van and immediately sent the injured to the hospital for treatment. Prompt action was taken almost within a few minutes. This is so far as injuries are concerned. But as to how exactly it has happened, is a matter on which I would like to place certain facts before this House.

This incident, Sir, arose out of the bullocks getting frightened on account of the æroplane flying at a low level. This low level flight was arranged by the Hindustan Aircraft, Ltd., Bangalore as an adjunct to the activities of the Dasara Exhibition. It is worthwhile in this connection to note that the District Magistrate, as early as 24-9-54 forewarned, as it were, that it may not be advisable to have acrobatic flights and low level flights especially at a time when there will be lakhs of people gathered in Mysore during Dasara.

Further Sir, I am given to understand that this flight was by one Squadron Leader S. Singh of the Indian Air Force and the plane was bearing registration No. 9 of 488.

Sri J. MOHAMED IMAM.—Whose plane was it ?

Sri H. SIDDAVEERAPPA.—Indian Air Force Plane. It is mentioned that the plane left Mandakalli Aerodrome on or about 3 p.m. and was forced to ground at 3-55 p.m. on account of an alarm given by the Palace Authorities as well as by the Police. It is mentioned, Sir, that the height at which this plane was flying, to a layman's estimate, was about 100 feet—as low as that. But anyway it may be stated without fear of contradiction, that the plane was flying at least within thousand feet which is the minimum height prescribed in the Indian Aircraft Rules, where flying below thousand feet is prohibited under rule 23 of that Act. I may also mention here in this connection that this flight and this unhappy incident took place more than an hour before the actual Dasara procession commenced. Dasara Procession, if I remember correctly, started from the Palace at about 4-16 p.m. This incident took place between 3 and 3-30 p.m.

Sri H. K. VEERANNA GOWDH.—The gun-carriage was not part of the procession ?

Sri H. SIDDAVEERAPPA.—The actual procession I am referring to commenced when His Highness climbed the Ambari on the elephant in the Palace precincts. It may be worthwhile in this connection to refer to a Press statement issued by Sri H. N. Pallegar, Huzur Secretary to His Highness the Maharaja, which is reported in the "Deccan Herald" dated 10th October 1954, wherein it is stated that long before this incident happened, when the same plane was flying over the Palace even the elephant on which the 'Howdah' was fixed became panicky. It was feared that even that may go out of control. And immediately, as soon as that matter was known, the ærodrome was contacted and asked to stop the plane flying over the Palace. Unfortunately, instead of stopping flying, the pilot diverted his attention towards Sayyaji Rao Road. It is mentioned, while ascending, the plane produced such a terrific noise as to scare away the bulls, etc :

"The elephant on which the Howdah was being fixed was feeling very restless because of the noise of the plane and was not standing steadily in one place. I had to telephone to the ærodrome and request the officer-in-charge to instruct the pilot of the plane to withdraw from the area over the Palace immediately in order to keep the *ambari* elephant calm and steady."

Hence this my version makes probable. Of course, I am not called upon to make a statement. I am only placing the facts that the bullocks were scared away on account of acrobatic feats done by this pilot. I am also given to understand that the same bullocks were being made use of for the last several years to haul this gun-carriage. They were sturdy animals—Sindhi bulls, well built and as soon as they were scared away, it was not possible for the driver and his assistants to control them.

Apart from these things, Sir, it is very doubtful whether in the Indian Air Force Act, this flight was admissible according to rules. In this connection, the District Magistrate has contacted the authorities and has issued a 'show cause" notice to explain the circumstances under which the plane was flying on that day in Mysore. The matter is yet under correspondence.

With regard to the steps taken by the Government to attend to the injured, the Chief Minister and I visited the hospital the next day and instructed the doctors and others to give proper medical treatment. The Deputy Commissioner has issued an order on 9th October 1954 stating that the attendants will have to be fed at Government cost. Not only that, if they wanted any help from their homes, they were allowed to bring those that can help them at Government cost. Further, transport facilities will be arranged for them to reach their homes as soon as they are completely recovered. Necessary amount has been kept at the disposal of the authorities to attend to these. I have placed all these facts before you and the House in order to show what exactly happened

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on that day. I am quite sure that nowhere the officers or those who arranged the procession come into the picture. Much as the Government deplore the unhappy and the unfortunate incident, the officers of Government do not come into the picture at all. It happened purely as an accident far beyond the control of the officers.

Sri Mulka GOVINDA REDDY.—Sir, I never expected . . .

Sri M. MADIAH (Nanjangud Scheduled Castes).—Sir, on a point of order. The Hon'ble Member who has sponsored the motion should be allowed to speak only when the motion is taken up for discussion. If the Chair rules that the motion is in order under rule 43 of the Rules of Business of the House, then only the Hon'ble Member who has sponsored the motion should be allowed to make his observations. If objection is taken by any side of the House, then the permission of the House should be sought. I want to know whether the motion is declared to be in order, before Sri Mulka Govinda Reddy proceeds further.

Mr. DEPUTY SPEAKER.—I have asked Sri Mulka Govinda Reddy to speak only on the question of admissibility, not on the question of merits. You please leave it to me.

Sri J. MOHAMED IMAM.—Sir, with due deference to the Ex-Deputy Speaker of olden days, I must submit that when the Hon'ble Home Minister has made a statement in accordance with the permission given by the Chair, then the mover of the Adjournment motion can to a reasonable extent be allowed to go into the merits. He must also be given an opportunity.

Mr. DEPUTY SPEAKER.—I have asked the mover of the motion to ventilate his views.

2 P.M.

Sri Mulka GOVINDA REDDY.—Sir, the motion for adjournment that has been tabled by me is in order for the following reasons. The incident that occurred on 7th October 1954 at Mysore is of recent occurrence and is definite. It is a matter of public importance for this reason that this Dasara procession is being organized every year for the last so many years.

Sri H. K. VEERANNA GOWDH.—Not every year.

Sri Mulka GOVINDA REDDY.—Last year, it was stopped due to some other reason. Anyway, the public of Mysore and people from outside come to Mysore during Dasara and participate in the celebrations and procession, so much so it is of public importance. I never expected that the Home Minister would go to the extent of defending or of saying that there was no failure on the part of the authorities in preventing such a calamity. That is not an occasion to defend the action of Government and to say that there was no failure and they did everything to see that such a thing did not happen. The action they have taken after the incident is not before the House. No doubt, they have visited the hospital and consoled the injured and their families and gave facility and help to them ; they have done that; it is really admirable. But that is not the point at issue. The point is, that Government have failed to take adequate steps by which they could have prevented this calamity. Therefore, Sir, this is a motion admissible under the rules. According to the statement of the Minister himself, the District Magistrate on 24-9-1954 had warned the aerodrome authorities that such a flight should not be resorted to. Therefore, Government did not take adequate precaution ; they could have easily prohibited the flying of the plane on that particular day.

Sri A. BHEEMAPPA NAIK.—Sir, the Member is trying to argue the case which he should not. He has stated how the matter is of public importance and it is for the Speaker to give a ruling whether it would be taken up for consideration and if so, at that time. This is not a stage where he can make out a case for this motion.

Sri Mulka GOVINDA REDDY.—Because the Home Minister made a detailed statement defending the Government, I had to make this statement.

Mr. DEPUTY SPEAKER.—Sri Veeranna Gowdh raised an objection that there was no precedent of this kind.

Sri H. K. VEERANNA GOWDH.—I did not say anything about the precedents. A doubt arose in my mind whether it was in order if a statement is to be made by the Home Minister even before the mover of the motion made out a case for the admissibility of the motion.

Mr. DEPUTY SPEAKER.—Anyway, there is a precedent. I want to bring to your notice that a similar motion was tabled by Sri Mulka Govinda Reddy himself some time past and the present procedure was adopted.

Sri H. K. VEERANNA GOWDH.—That is all right, Sir.

Sri S. GOPALA GOWDA (Sagar—Hosanagara).—When an adjournment was tabled by me regarding Mattedoddi, the Speaker himself admitted that he adopted an incorrect procedure in allowing the Minister to make a statement.

Mr. DEPUTY SPEAKER.—Now, I have examined all aspects of the question. I think the matter is of importance ; there is no doubt. Since it was important, I asked the concerned Minister to make a statement which he did accordingly. The mover of the motion has also explained the case. Though the matter is of importance, it is not very urgent in the sense, that it should be permitted to interfere with the normal work of the House. So, I rule the adjournment motion out of order.

MYSORE BOARD OF REVENUE BILL, 1954.

Motion to consider. (contd.)

Sri A. BHEEMAPPA NAIK (Molakalmuru).—Sir, I want to know whether the Revenue Board Bill has been brought here for the consideration of the House now alone.

Mr. DEPUTY SPEAKER.—The Minister has moved the consideration motion ; I will put it now.

Motion moved :

"That the Mysore Board of Revenue Bill, 1954, be taken into consideration."

* Sri A. BHEEMAPPA NAIK.—Sir, this is really a very important measure and I must congratulate the Government for having brought this. This will not only lighten the work of the Minister but it will quicken the pace of the judgment. But, Sir, as it stands now, instead of quickening the pace, the Bill certainly works the other way. Here, the authority that sits in judgment over the orders of the Deputy Commissioner also becomes the authority sitting in judgment over the appellate side. I do not know whether there is such a provision anywhere. The Board consists of the Revenue Commissioner, the Excise Commissioner and the Commissioner for Local Self-Government. If one or the other officer is on tour, instead of these appeals being disposed of in months, years may be taken. The very objects with which we urged for the constitution of such a Board will be nullified by putting these officers in the Board. It is very strange that an authority who decides a particular case, himself becomes the appellate authority. The status of the Board is to decide appeals or revisions against the orders of the State officers, not the Deputy Commissioner. The powers of the Revenue Commissioner is to decide appeals against the orders of the Deputy Commissioner. The Board is given that power now. Then, what about the Revenue Commissioner ? Is he relieved of the work that he is doing at present or does he sit in judgment over the orders of the Deputy Commissioner and again sit in judgment in the Board over his own orders passed as the appellate authority ? This is not clear. There will be three members in the Board. One or the other will be on tour. Or, before they fix up their touring programme, they must consult each other to fix up their tour and nobody will agree for a definite time because each will have to go at different times. Therefore, the sitting of the Board

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itself is doubtful, and the accumulation of work would be so big that the Board will never be able to finish the work allotted to it. That would be the position of forming a Board as proposed just at present. The Hon'ble Minister for Revenue, while trying to disburden himself of certain work, is also trying to disburden the work of his subordinates. While doing so, he has not looked into the aspect of accumulation of the work that would naturally occur if all these three or four officers are made to sit as a Board. Therefore, I suggest that these matters are to be thrashed out in a Select Committee.

Sri K. HANUMANTHAIYA (Chief Minister).—Do not thrash; only discuss. (*Laughter.*)

Sri A. BHEEMAPPA NAIK.—All right, Sir; I will accept the amendment of the Chief Minister; we will discuss there. This Board should not consist of these officers as is proposed in the Bill, but it should be only just like a Bench which should function throughout the year. They should not be executive officers; they must be exclusively of the type of judges. In Madras the function of the Board is quite different. The Heads of Departments have independent powers. The Board does not interfere, unless it be in a form of revision. Therefore, Sir, I would suggest that this Bill be sent to either a Select Committee or a Joint Select Committee, if necessary.

Sri S. SRINIVASA IYENGAR (T.-Narasipur).—Sir, I would like to place before this House my views with regard to this Revenue Board Bill. I heard with rapt attention the speech delivered by the Hon'ble the Revenue Minister. I am surprised to see how he wants to try to get rid of the trouble that he had all these years. By a provision in clause 6 of this Bill, Government have retained the power to call for any record from the Board and hear the party and reverse the decision of the Board, if necessary; for, a person who is aggrieved by the decision of the Board naturally approaches the Government with an application praying for calling for the records. Government, therefore, will continue to have the same kind of trouble that they are having today. They will never be rid of the trouble as they anticipate. After all, as the Government put it, the Board is to be constituted for the purpose of expediting the disputes now which are large in number and further to relieve the Government or the Minister the trouble of hearing the parties and other things. I wish to place before the House the way in which such things are done in the neighbouring States of Bombay and Madras. In Bombay the tribunal is working under the Revenue Appeal Tribunal Act of 1938. Its composition is as follows. It shall compose of such number of members possessing such qualifications as may be prescribed by rules. And under Section 6 of the Tribunal Act of Bombay, there is no appeal against the decision of the Board. But in Mysore the Government have reserved the right of calling for records of the Board under clause 6. I entirely oppose that. In Madras, the tribunal is working under various enactments. The first enactment is of the year 1803 and subsequently in 1894 there is another enactment. These two regulations do not lay down the composition definitely. The Board consists of Government Officers to expedite disposal of disputes. In these two Regulations, nothing is mentioned about the appeal powers of the Government. The tribunal in Madras is subject to different Acts. If an appeal is not heard by the Board that is governed by a particular Act, no specific provision is made in the Madras Regulation about the powers of appeal to Government. Well, I have heard that in the Government of India even the Ministers were prohibited from hearing appeals. After the introduction of the Constitution of India, nowhere it has been specifically mentioned, but prior to that I have heard that the Ministers of the Government of India were not hearing any appeals as they are doing in the Mysore State. Therefore, reservation of power to call for records in disputes under this Bill is not called for. There is no use introducing such a Bill. You can as

well continue the present system. Now, there are two stages provided for an aggrieved party beyond the orders of the Deputy Commissioner. The first appeal is to the Departmental Head and the next appeal is to the Government. As it is, according to this Bill, instead of the Departmental Head, we will have the Board. That is correct and instead of the Government, we have the Board. It satisfies. But by clause 6 Government will call for the records. That means, once again there will be a hierarchy of officers and that will nullify the effect. What the Government want to give to the Board in one hand is taken away by the other hand by clause 6. If clause 6 is deleted, then I will agree to this Bill. But if it remains, there is no use in introducing this Bill. In no other State such a thing is being done. That is so far as the powers of the Government are concerned. As it is, there will be a good lot of delay. Because all the officers of the Board are executive officers. They will have touring programmes and will not stay in their headquarters.

Sri Kadidal MANJAPPA (Minister for Revenue and Public Works).—What is the position in Madras?

Sri S. SRINIVASA IYENGAR.—They quickly do it. There also the Government do not call for records.

Sri Kadidal MANJAPPA.—That is your objection. I have understood that.

Sri S. SRINIVASA IYENGAR (T.-Narasipur).—I entirely agree with you that in Madras also they are executive officers and the executive officers are made members of the Board.

The other viewpoint that I want to impress is this. Under clause 3 Government desire to constitute a Board with a certain number of officers. They have also retained the power of nominating any other officers, if necessary. I strongly feel an officer of the Judicial Department not below the rank and status of a District Judge should be member by a definite provision. In addition to the names of Revenue Commissioner, the Excise Commissioner, the Commissioner for Local Self-Government, if you mention the membership of the officer of the Judicial Department not below the rank of District Judge, I think that will be good. Because the Board has to deal with several matters which may have some bearing on the legal profession. I do not mean to say that the departmental heads will not be in a position to do it. But I am of the opinion that the inclusion of an officer of that type will be helpful for quick settlement of disputes. The Board as such will no doubt require the help of such an officer.

Then, I see in the Statement of Objects and Reasons that no expenditure is stated to be incurred for the staff. I would like to know how the Board will have its secretariat maintained. It may be that the Government are thinking of retrenching some staff in some other department and pass them on to this Board. But, all the same, the expenditure is to be booked under some head of account. There may not be additional expenditure. But, I am afraid, there may be some expenditure, because the volume of work is very heavy and therefore what the financial commitment is should have been pointed out to us.

Therefore, if the Government straightaway declare that they are prepared to withdraw the Bill, that will be good. Otherwise, I believe the matter has to be gone through in detail and that can be better done in a Select Committee.

Sri M. LINGANNA (Nanjangud).—A long-felt need is being attempted to be fulfilled now by this Revenue Board Bill. I have read the provisions of the Bill completely. No doubt the effort of Government to get themselves rid of the powers of appeal over the orders passed by the State officials will commend itself. And also by this Bill an authority is set up. It will completely free the Government of the duties of administration of justice. The Hon'ble the Revenue Minister is aware that the executive head of a democratic government will have to be completely free and will have to completely devote himself in laying down policies. I believe that this principle will have to be adumbrated in this Bill. We have

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to see how far that principle is fulfilled by this Bill. I have read the provisions in the Bill. Revisional powers are vested in the hands of the Government over and above the orders of the Board. Once again the executive authority of a democratic set-up of Government will not be free from hearing appeals.

Sri Kadidal MANJAPPA.—There is no appeal.

Sri M. LINGANNA.—I am sure it is so even on the revisional side. The intention with which this Bill is brought forward, namely, not to hear appeals, shall not be achieved as long as the revisional powers are retained. Even on the revisional side there will be the same quantum of work thrust upon them. Because every party shall have a right to prefer an application on the revision side, over the orders passed by the Board. So I am sure that the work on the revision side cannot be lessened. But taking it for granted that the work on the revisional side will be almost equal to that on the appeal side, the same amount of work there will be and what they hoped that the executive should be free for several administrative matters will not be achieved. So I am sure that the Government or the Member in charge of the Bill will once again bestow thought and revise the provision in respect of revisional powers of the Government.

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Why I say this is that the executive in a democratic set-up should be completely free from hearing appeals or hearing applications on the revisional side. I have heard my friends saying oftentimes that by these appeals whether on the revenue side, excise side or sales-tax side, etc., most of the time of the Ministers will be taken away and there will not be proper time left for administrative work. So, Sir, it would be better and also we are accepting a principle, a most laudable principle, of keeping the executive free from all this judicial nature of work and allowing them to devote their full attention for administrative purposes. I submit that the deletion of the revisional powers retained in this Bill will do well and will augur better for the Bill.

Sir, with regard to the constitution of the Board, the Bill seeks to imitate the model of Madras. But even this aspect of the question needs some revision for this reason that most of the Heads of Departments are put as Members of the Board. Whether the expediency or economy should take priority over the necessities of the situation is a matter for investigation and is also a question to be examined in detail. The constitution of the Board as it is does not expedite matters. Probably that is the reason why Government have taken powers to nominate other members to the Board as it finds necessary. That seems to be the reason why powers have been sought to be taken by Government in case some of the Members of the Board would not be in a position to attend because of their urgent pre-occupation within the State or without. So, Sir, whether the constitution of the Board as it is provided in section 3 of the Bill would expedite the disposal of the work before the Board may have to be re-examined.

But in the terms of the Bill, the constitution of the Board has not solved any financial commitment. So far as judicial matters are concerned, even if the State were to spend a certain amount from the State exchequer, I believe the Government should not hesitate to spend to a reasonable extent possible. Suppose a Board independently of the Heads of Departments is constituted; I am of the opinion that the expnditure that the Government will have to incur on this account will not be much. Let us therefore think of such a Board consisting of three members wholely chosen from among the retired Judges of the High Court or retired District Judges. My idea is that the expenditure that we may have to incur by the constitution of such a Board would not be too much and what would be the effect of the constitution of such a Board is a matter for examination. Now the difficulty that we would be feeling by setting up a Board purely consisting of Heads of Departments would not be there; because it is an

independent Board without executive power, it will work full time; the question of delay would not arise and the matters that would come up before the Board would be greatly expedited; and as members of the Board would be drawn purely from the retired officers of the Judiciary, the legal aspects that would come up before the Board would be properly and most reasonably be adjudicated upon.

Sri T. MARIAPPA (Mysore City North).—Where is it stated that it should be constituted from among the retired officers ?

Sri M. LINGANNA.—I am only visualising a modified constitution of the Board as such an alternative only.

Sri T. MARIAPPA.—Is it always possible to draw upon people retired from the judicial service ? They ought to be Heads of Departments and it is the I.A.S. officers who have experience of the revenue matters that come up before the Board.

Sri K. HANUMANTHAIYA.—In other States also it is like that.

Sri T. MARIAPPA.—Perhaps he is contemplating a super-Board where you will have retired Judges along with the Revenue Commissioner, Excise Commissioner and so on.

Sri M. LINGANNA.—I am only thinking of making an alternative suggestion for the constitution of the Board purely from the retired Judges.

Sri K. HANUMANTHAIYA.—Why should you have only retired Judges ?

Sri M. LINGANNA.—Because the principle is now accepted that the Chairman of the Board should be at least drawn from a panel of persons who have judicial experience and this is a Board which has to adjudicate upon every point of law and fact when the matter comes up in appeal. So the principle is accepted that a Board of this kind should be presided over by a person with judicial bent of mind and the entire personnel constituting the Board should be drawn from the retired Judges.

Sri Kadidal MANJAPPA.—You may as well give it to the concerned District Judges !

Sri M. LINGANNA.—This is also the practice in Bombay.

Sri Kadidal MANJAPPA.—It is an appellate tribunal.

Sri M. LINGANNA.—Over the order of the tribunal, Government will not have any power of appeal. So, Sir, the composition of the Board itself, from my point of view, needs some revision, because I am against the constitution of the Board drawn from the Heads of Departments. Certainly, of course, the interests of the Government are to see that the expenditure to be incurred in this behalf is reduced as much as possible. But my feeling is that any little expenditure in the matter that may be incidental the Government need not hesitate to incur as it is necessitated by speedy dispensation of justice.

With these observations, I wholeheartedly support the Bill subject to the suggestions that the revisional power vested in the Government should be fully taken away and that the constitution of the Board should be changed.

[SRI D. DEVARAJ URS in the Chair]

Sri K. PATTABHIRAMAN (Kolar).—Sir, I would like to offer some remarks on this very important Bill. No doubt I must at the very outset congratulate the Hon'ble the Revenue Minister for bringing forward a Bill of this kind. And if, nevertheless, I should like to make some remarks, it is only with a view to suggesting certain possible improvements which certainly this Bill would otherwise admit of.

There are some suggestions which I should like the Hon'ble Minister to consider. Considering the tenor of the debate we have had, I feel certain clauses, those referred to particularly by my Hon'ble friend Sri Bheemappa Naik and others, deserve more consideration than we normally would bestow. I mean no offence to any one. When I heard the Hon'ble Minister I felt that he wanted to divest himself of a good deal of trouble which he has by way of appeals, revision petitions, etc., pending before him. He has also quoted figures about the pendency of petitions. If the intention of the Hon'ble Minister is to reduce his work and quicken the tempo of work, I say that he may not be successful in

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this venture. This would be evident if he only looked at this Bill in a logical manner. Please see if your difficulty was really solved by a measure of this kind. There are already one or two suggestions; take for instance clause 4. What you are suggesting is that the appellate or revisional powers now exercised by the several officers referred to in that clause "shall hereafter be exercisable by the Board." In fact, what is it? There are two ways of looking at a matter of this kind. So far as the common man who requires quick justice, how far and in what manner does this clause react to his advantage? From the administrative point of view, how does it work? Now, today, take for instance an order of a Deputy Commissioner; we go to the officer immediately above him and file an appeal. What you say now is that instead of that, file the appeal before the Board of which that officer also continues to be a member. Therefore virtually the result will be that an order which would have been disposed of either under the appellate or the revisional jurisdiction by one officer, will have to be adjudicated upon by a Board on which he is also member. The matter that he might have disposed of in his individual capacity will have to be considered by him jointly with other members. As it is, the Heads of Departments are heavily over-worked and if today the decisions of individual Heads of the Departments have not given that measure of satisfaction which otherwise is ordinarily expected, it is because of this single factor. When that is the reality, if you want these officers to sit jointly and adjudicate upon their own orders, I am afraid you will not be reducing the volume of your work, but there will be a revision petition in every case. This is not to mean any reflection upon the officers and our Heads of Departments. I have a great regard for all the officers and on an occasion like this I must express my appreciation of the high standard of work turned out by them. I am now concerned only with a matter principle whether it is fair to ask the same officer to sit in judgment over his own order. I am having contacts personally as a lawyer with most of the officers and their judgments and decisions have always given a great deal of satisfaction. Therefore, that cannot be a ground. I ask the Hon'ble Minister to consider whether really he feels that the difficulty he wanted to solve would be solved by this. For instance, take the revenue appeal. Against the order of the Deputy Commissioner we come to the Revenue Commissioner in appeal and hereafter what is the amount of inconvenience and what is more, the cost for filing such appeals, from the clients' point of view? Now it is said the Revenue Commissioner who was competent to do this work so far shall not do so, but that power shall be exercised by the Board. I do not think that the difficulty that you envisage is really solved. That is why the leaders of the Opposition asked you in the course of an interrogation, whether this Board comes in the place of the Government or in the place of the Officers who were exercising the appellate authority. Therefore, the appellate powers exercised by these officers shall vest in the Board and similar powers that were being exercised by Government shall also vest in the Board. This Board extends its arms both ways. On one side it swallows the powers of the officers and on the other the powers of the Government; it will gradually take within its arms the entire machinery from the Government down to the State Officers. Sir, I am sure that this Bill has been brought before this House with the best intention. On a closer analysis I feel that unfortunately this will create more difficulties and more inconveniences than what exist now. I want the Hon'ble Minister to kindly consider this.

Take clause 4 (2). Where an original order was passed by any of these same officers in the original jurisdiction, it is now said, that the appellate power shall be exercisable by the same Board. It has raised a fundamental question. Here an appeal against the order of the Revenue Commissioner which should lie

with the Government, now goes before the Board of which he is also a member. I know what Government will say for this. They will at once say that such appeals shall not be heard by the Revenue Commissioner ; I know that. But still I ask, is it a fair or a sound principle to allow the appeal before the Board where an order has been passed in the original jurisdiction by one of the officers of that Board ? It must come before a higher body.

Sri Kadidal MANJAPPA.—Is it not the case in the High Court ?

Sri K. PATTABHIRAMAN.—It is only in certain cases where a single judge sits and in certain cases two judges sit. Here I say, it is a question of concurrent jurisdiction. Knowing human nature what it is, you will have to consider how this will react. In such cases the main test is, the satisfaction that the client gets. If he feels that he has gone to a higher seat of justice and if he gets the needed relief, that must be considered as the sole test of the legislation that we might pass. According to this, the original order is made by the Revenue Commissioner in a revenue appeal; ordinarily, the appeal against his order should have come before the Revenue Minister. But, it is said here that that power exercised by the Revenue Minister shall be exercised by the Board hereafter. I do not say this in any derogatory manner against any officers. After all the Revenue Commissoner will be a seniormost I. A. S. officer. But you must consider that his colleagues should not be entirely placed in an embarrassed position. That is an embarrassment and these officers may ask to be saved from this at your hands. Therefore, so far as clause 4 (2) is concerned, I ask the Hon'ble Minister to consider what that kind of a change would come to.

I now refer to clause 5. In regard to the proviso to clause 5, this is how it reads. 5 (1) reads thus :

> " The powers of the Board may be exercised by a Bench consisting of two or more members of the Board, and all decisions of such a Bench shall be deemed to be decisions of the Board:
>
> Provided that any Member of the Board may exercise the power of the Board for purposes of admission of any appeal, petition or application."

I want you to consider the effect of a clause like this. Take an original order passed by one of these officers. An appeal against that order will be filed before the Board. It is said that application for stay will be heard and admitted by the Board. But it is not specified here as to who was the particular person that would grant the stay. You may say that in cases where an appeal is filed against the orders of a particular officer who will be in the Board, such applications will not be heard by him but they will be heard by some other officer, his own colleagues. I ask you, do you really think it will ensure that amount of homogeneity amongst the colleagues of that Board ?

Sri A. BEEMAPPA NAIK (Molakalmuru).—There is a proviso to clause 5 to help us in getting stay orders.

> " Provided that any member of the Board may exercise the powers of the Board for purposes of admission of any appeal, petition or application ; "

Sri K. PATTABHIRAMAN.—You are simply emphasising my difficulty; Sir, (*Laughter*) that is what I have said. Then, there is another aspect. Here, it looks as though in regard to the composition of the Board itself, no one is made the Chairman of the Board. The words are very widely used.

> " There shall be constituted for the State of Mysore a Board called the Mysore Board of Revenue consisting of the Revenue Commissioner, the Excise Commissioner and the Commissioner for Local Self-Government and such other officers, if any, as the State Government may, from time to time, by notification appoint."

The result is, no one has got the overall power. The powers are co-equal and they are going to exercise concurrent jurisdiction. I ask the

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Government whether in the working of this Board, will it not create difficulties? Hon'ble member Sri Linganna made out a very good point. In the course of the working, the client will not know as to where he has got to file an appeal, apply for a stay, whether to the Revenue Commissioner or the Excise Commissioner or the Commissioner for Local Self-Government. For all this, no doubt, there will be additional expenditure. Therefore, I say that so far as the function of the Board is concerned, unless you make one of the Officers as the Chairman of the Board to look into urgent applications and pass orders, there will be some difficulty.

There is also another aspect which has already received a good deal of attention at the hands of several Hon'ble Members of this House, namely, clause 6—Powers of revision of the State Government. I am afraid, Sir, I have to use the phrase which my friend Sri Linganna used. In order to put down a devil which seems to be tormenting the Minister all these years, he is really raising a fresh devil and putting himself in the clutches of greater difficulties. I know as a lawyer the two words, a revision and an appeal. But, we know how ordinarily it is going to be exercised. The Revenue Minister wants relief. He has given us the number of appeals that come up every year before him for disposal. He wants to get out of all that trouble by giving that power to a Board. But under clause 6 the difficulty is, in a greater measure, recoiling upon him. He can turn back and say that it is only when the decision of the Board was contrary to law that he would interfere. But he knows as a lawyer of very great standing, how this clause could be interpreted by a court of law. "And" is used meaning two conditions—the correlative and the conjunctive. But, there are decisions where it is said, miscarriage of justice itself might be contrary to law. Therefore, I ask the Hon'ble the Revenue Minister to consider, apart from the arguments that have been very ably advanced by several Hon'ble members of this House, the question of retention of clause 6. What is more, with all humility to the Hon'ble Revenue Minister, does he really think that we can congratulate him for this proposition? Sir, I do not mean any derogation. This is an extraordinary proposition brought before the House to make this a legislation. I must say with some amount of sadness and some amount of sorrow that no responsible Minister could come before the House and say that it is difficult for him to dispose of the work and that it should be and would be the sole cause for legislation, for the constitution of a Board.

Sri Kadidal MANJAPPA.—I did not say that it is the sole cause.

Sri K. PATTABHIRAMAN.—I must still be very sorry.

Sri Kadidal MANJAPPA.—I would like to know whether you want existing practice to continue.

Sri K. PATTABHIRAMAN.—I would be landing myself in a very uncomplimentary debate by pursuing the matter. I do not like to do it. I feel that the difficulty of the Minister in coping with this work can never be or, in fact, should never be the justification for legislating a measure. I mean nothing derogatory to him; personally I have got very great regard towards him.

Mr. CHAIRMAN (Sri D. Devaraj Urs).—It is two minutes to Three; if you want to continue, you may do so after lunch.

Sri K. PATTABHIRAMAN.—I shall continue after lunch.

Mr. CHAIRMAN.—The House will now rise for lunch and meet again at 3-30 P.M.

The House rose for Lunch at Three of the Clock and reassembled at Thirty Minutes past Three of the Clock.

[SRI D. DEVARAJ URS in the Chair]

Sri K. PATTABHIRAMAN.—Sir, now I propose to make some concrete suggestions indicating in what manner this Bill can be improved upon and made more acceptable. Before I do

so, I want to make a reference to one other matter, an important clause, clause 11. It is about court fee payable in proceedings before the Board.

> "Notwithstanding anything contained in the Mysore Court Fees Act, 1900, the court-fee payable in respect of proceedings before the Board shall be as follows, namely,—
>
> (*a*) on every appeal. Five rupees
>
> (*b*) on every revision petition ... Three rupees
>
> (*c*) on every application or petition other than (*a*) and (*b*) ... Two rupees."

What I want to impress upon the House and the Government is this. Only recently we amended the Mysore Court-fees Act. At that stage we left this matter intact and we did not enhance the fees. Now, as it is, the client is asked to pay Rs. 2 on every petition or application that may be preferred before the Government or the appellate authority. But indirectly you want to amend the Mysore Court-fees Act as it were and enhance the fee that is leviable on an appeal. I want you to consider this provision in two ways: whether it would be correct to do so in a measure of this kind which really becomes a fiscal measure; whether in such an indirect manner you could seek to amend the Mysore Court-fees Act which was only recently amended. I want the Government to consider that. I am simply expressing my doubts in this matter, whether it would be proper and reasonable to try to amend the Mysore Court-fees Act in such an indirect manner and enhance the present fees payable. The other aspect is, whether it would be fair to the client that he should be asked to pay more. The object of bringing forward this Bill is not to get a little more income to the Government. That is not the object. And I really appreciate the spirit in which this Bill has been brought forward. In view of that I should say that absolutely no case is made out as to why the client, in order to have the same relief, should be asked to pay more. These are the two aspects which I wanted to say. If the Law Secretariat assures us that there is no impediment, I will not worry this House seriously over that matter. Otherwise, I want you to consider whether it would be fair to ask the client to pay Rs. 5 when otherwise today he is asked to pay only Rs. 2.

As regards the concrete suggestions I want to make, first and foremost will be in respect of clause 3. I have already made myself clear to this House when speaking on the original Bill. It would be advantageous to all concerned to continue the present arrangement. In the light of those suggestions, if you still feel that you want a Board of Revenue as contemplated here, with which I am in full agreement, and for other reasons, I would suggest that the present powers exercised by the several State Officers must continue as they are under several enactments; and, in addition to that, where the Government would otherwise creep in, to that extent, create a Board of Revenue with seniormost civilian officers meant exclusively and solely for the purpose. At this stage I may bring to the notice of the Government the practice obtaining in Madras. There they have a Board of Revenue. Revenue officers, the highest I.C.S. officers, the seniormost only, are put in there as first, second and third member of the Board. They are meant only and exclusively for that purpose. Whenever urgent applications are to be moved, everybody knows, every lawyer knows whom he has to approach in order to get redress. I feel that the jurisdiction now exercised by the several State Officers should continue; whereas into this Board of Revenue, seniormost civilian officers should come in there and they should be there only for that purpose. I therefore consider that this Board should consist of not more than three members, who are the topmost and the highest personnel among the civilian officers of the State meant solely and exclusively for the work of the Board. That will be very helpful;

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And the seniormost of them should be the Chairman. Therefore I am making this concrete suggestion to the Minister in charge through you so that he may kindly consider it.

After all, one other difficulty is being experienced. In spite of the best intentions, in spite of the best efforts made by the several State Officers, they are all touring officers, they have got so many departmental works and therefore the time that they can possibly devote for disposal of work will necessarily be hampered or circumscribed by other work that they have as touring officers. In these matters, contact with the masses that these officers have is a great advantage. When you make it a merely judicial body guided by the data or material placed before them, away from mass contact, it will not be helpful, because in regard to these matters it is the executive responsibility of the Government that we are really trying to dispense with in a Bill of this kind. Therefore it should be the exclusive concern of the Board to look into these matters. I congratulate the Revenue Minister in trying to give the highest compliment to the civilian personnel of Mysore. Here is a case of highest tribute being paid to them. For decades and decades they have maintained a certain tradition and on the top of that all you want to give them the glory of the achievement and say that they shall have the entire and exclusive right. All that you have done is good. I should say that the highest civilian officers should continue to have the powers they now have. I am in perfect sympathy with you. But I only ask, do not remove the contact that these executive officers now have in regard to their original jurisdiction. If you want expeditious diposal of the cases and the best decision, I feel that the constitution of a Board of that kind with the highest civilian officers meant exclusively and solely for that purpose would solve the difficulty.

As regards the other concrete suggestion I wish to make, it is with respect to clause 6. On the floor of the House so far various suggestions have been made. Some of them are made with a view to impress upon the Government that it is not fair or proper that the Government should be entrusted with the burden of hearing appeals and revision petitions, that they should not be asked to shoulder that burden any longer. That is one extreme view. There is also another view. The method obtaining at present may continue and the Government can dispose of all matters coming in their jurisdiction. In between the two, I feel that a happy compromise can be arrived at. In fact, a day must come when these executive matters must be the concern of the topmost executive officers, the ministers concerned being there only to frame policy and deal with only policy questions. That is perhaps the way in which parliamentary Government should ultimately, eventually, shape itself in our country. But till then, before we reach that stage, when the Ministers would be there with reference to policy questions and such other cases, the day-to-day administration becoming the responsibilty as it ought to be of only the permanent civilian personnel, until that stage is reached, I feel that for the transition period some happy compromise is necessary. It is necessary that the Government of the day should be clothed with certain powers so that in extraordinary cases, it should be open to the Minister concerned to call for records. I am making that suggestion deliberately and without hesitation. I am certainly not going away from the main principle when I am making that suggestion. If there is compromise, it is not a surrender. Let it be a happy compromise. In extraordinary cases where justice demands, it may be open for the Government to call for the records. For an analogy I will give an example. You own revision jurisdiction under 435, Criminal Procedure Code, or 461 A in regard to the High Court. In extraordinary cases they can call for any records, examine them with reference to the correctness, legality and propriety and so on. We can introduce some such terms in the provision in the Bill. Certain powers may be reserved

like that to call for records in extraordinary cases. Otherwise, we must make a good start and see that the parliamentary Government that we are really thinking of is set up. Thereby we will be making a great stride. In the West, the day-to-day administration is exclusively the responsibility of the permanent civilians. If we adopt that system, we will be making a great stride and we welcome it. And I congratulate the Government for it. But nevertheless, in the transition period, I am prepared on the floor of the House to say that certain powers necessarily must be reserved and availed of to call for records in extraordinary cases. Subject to these considerations, I am making a statement, I wholeheartedly endorse the appeal made by the Revenue Minister that there is a case made out for the constitution of a Revenue Board. But the improvements suggested may be made at the proper stage. I am not suggesting that the Bill should go before a Select Committee. I may even say that if the Revenue Minister is willing to accede to the suggestion, it should not be difficult to make suitable amendments in this very session so that this Bill with those amendments may be placed on the Statute Book before this session is over.

Sri R. ANANTARAMAN (Chamarajpet). :- Mr. Chairman, Sir, my friends who have spoken earlier to me, particularly my good friend, Sri K. Pattabhiraman, have given very good suggestions. I do not therefore want to take much of the time of the House, except to congratulate the Government in bringing forward this Bill. One happy feature of this Bill is Section 7—Review of orders. You know, of late, after a decision was taken by the High Court of Mysore, there was no review power either to the Government or to the other revenue officers. A lot of difficulty was felt by the clients. After the introduction of the Revenue Board Bill, I think it will be welcomed by the clientele, especially those who thought that they have not received justice at the hands of certain court. So it is very good that clause 7 is included in the Bill.

Then the advantage or disadvantage that we find in this Bill is in respect of the revisional powers of the Government. The Hon'ble Minister was kind enough to say that in order to see that appeals are disposed of quickly, the Board is proposed to be constituted and the Board will dispose of the cases. But as I find it, and also as my friends who have spoken have already stated, hereafter we will have many cases of revision. Usually, the party who does not get justice at the hands of the Board will prefer an appeal or revision before the Government and the Government will have to admit it or call for the records and dispose of the appeal or revision petition. So the difficulty that the Minister is experiencing in his time being taken away by hearing has not been solved and I do not think he will be able to give his attention to other items of work. In Madras, there is no appeal against the orders of the Revenue Board there. Only when there are certain questions of law to be decided, and the Board feels doubtful, the whole case may be referred to the High Court and the High Court will itself dispose of the case. So it is better that some such provision is made in this Bill. I know, Sir, as a lawyer, that the Hon'ble Minister will be busy throughout the week disposing of appeals and he will have no time to attend to other work. So, it is better he divests himself of the work relating to appeals and revision petitions, and that these appeals are finally disposed of by the Board. If there is any question of Law, it may be referred to the High Court for disposal.

I do not want to dilate upon the other aspects. My Hon'ble friends have already dealt with the other aspects, the powers and functions of the Board and the composition of the Board rather exhaustively and discussed it at length. I only wish to congratulate the Hon'ble Minister for bringing forward a measure of this kind. Sir, we know that 'justice delayed is justice denied'. It also happens in a few cases, Sir, that by the time the judgment is delivered two or three

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years would have elapsed and some times parties be dead also.

Sri Kadidal MANJAPPA.—Lawyers are also responsible for the delay.

Sri R. ANANTARAMAN.—I admit that, Sir. At least now the delay will be minimised if not eliminated altogether if the Board meets four or five times and disposes of appeals.

It is possible there may be some lacuna in the Bill as framed and I, therefore, suggest that it is better to refer it to Select Committee and if it is urgent, the Select Committee may be asked to report during this Session itself. Such a Board is very desirable and I am sure the Hon'ble Members of this House will support this Bill.

Sri B. NARAYANASWAMY (Mysore City South).—Mr. Speaker, Sir, by the way in which the Hon'ble Member from Kolar started his observations, I thought that he would totally oppose the Bill. He has conceded a very fundamental principle, namely, the power of Government to hear appeals. When he spoke on clause 6 of this Bill which gives the Government power to entertain revision petitions, I thought that he would not concede that point. I am glad, he has conceded that Government should have revision powers. After all, the Revenue Board that is contemplated under this Bill, deals with the administration of revenue laws and executive orders; and it is but right that the Government should have some sort of supervisory control over any order that is passed either by an executive officer or an executive board. Some Hon'ble Members who spoke before me seem to be under a notion that the Revenue Board should be purely an appellate tribunal, while it is not so. I wish Sri Pattabhiraman had spent some time in reading the Statement of Objects and Reasons that is given under this Bill. There it is stated that the Revenue Board is set up as a sort of unifying body and that is not merely an appellate body but also an executive body. If my Hon'ble friend had read Section 4 and all the sub-clauses under that, I do not think he would have committed that mistake. It is not only an appellate body but also an executive authority. If my learned friend reads sub-clauses (1) and (2) relating to the appellate power and revisional power, he will find that sub-clauses (3), (4) and (5) relate to some other powers that are delegated by the Government off and on, and as it is proposed it may be appellate power or executive power that the Board has to wield. As such, it is not merely an appellate body but also the executive authority; and again it is for this simple reason that the authors of the Bill have thought of constituting this Board with the Heads of Departments. I can very well understand that there are some difficulties. I know, as Sri Pattabhiraman rightly put it—sometimes he is right also !

Sri A. BHEEMAPPA NAIK.—Sometimes !!

Sri K. PATTABHIRAMAN.—Because I do not belong to his Party which is in power.

Sri K. HANUMANTHAIYA (Chief Minister).—Sir, if powers alone can give him that perfection, I am prepared to give it.

Sri B. NARAYANASWAMY.—It is rightly pointed that any order passed by the Revenue Commissioner or by the Excise Commissioner, cannot be heard by the same officer sitting jointly with others as a Board and it is not probable that he will stick to his own conclusions. Secondly, after all the Board as it is contemplated to be constituted by members who are of the same standing, who are colleagues, perhaps it will be very difficult and embarrassing for the Members to pass any remarks over the judgment or the orders passed by a colleague on the Board. This is a point which we have to consider deeply in the formation or the constitution of the Board—whether it should consist of merely Heads of Departments or somebody else, is a matter that has to be gone into very carefully in the Select Committee. I think there will be difference of opinion.

Apart from this, from the speeches, I have heard only two objections. One was that the Government should not have revisional powers and the second

was that in the constitution of the Board, it should not merely consist of executive officers. So far as the first point is concerned, the Government should have revisional powers for the simple reason that it is the administration of revenue laws that the Board is expected to deal with. As such the Government itself should have some supervisory control over these matters and the authors of the Bill are quite right in saying that there should be such powers to the Government, naturally, if there is any miscarriage of justice on points of law; and, on a question of fact, I am sure the decision of the Board would be the final authority. After the constitution of the Board, it is proposed to decide who should be the Members of the Board and who should be the Chairman and who should be the Secretary. As a matter of fact, it would have been better had it been stated in the Bill itself. I am very much surprised to find that there was no mention of this in the Bill. It is perhaps left to the procedure. A matter like this should not be left to the rules to be framed hereafter. It should be found in the body of the Bill itself, and we should definitely say as to who should be the Chairman, who should be the Secretary and what is the establishment that it is to have and so on. Suppose we leave it to the Rules Committee, they may very well say that the Revenue Commissioner should be the Chairman. It is better to say in the Bill itself whether the Revenue Commissioner or some other Head of Department should be the Chairman. It would be better if Government nominate the Chairman and Secretary and provisions to this effect should be included in the body of the Bill itself.

On the whole, Sir, this Bill contemplating the Revenue Board is a very timely measure and it was being urged by the Members for several years past and I am glad this Government has thought it fit to bring this Bill at the right time. I only hope that the Hon'ble Members will give full support. I am also sure that the several suggestions made by Hon'ble Members will be considered and the Bill as it emerges from the Select Committee will be much better.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ (ಸಾಗರ—ಹೊಸನಗರ).—ಸ್ವಾಮಿ, ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ರೆವೆನ್ಯೂ ಬೋರ್ಡ್ ವ್ಯವಸ್ಥೆಗೊಳಿಸುವುದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಮಸೂದಾ ಕಾನೂನು ಇದುವರೆಗೂ ಸಭೆಯ ಮುಂದೆ ಚರ್ಚೆಯಾಗಿರುವುದರಿಂದ ಕೆಲವು ಮುಖ್ಯವಾದ ವಿಷಯಗಳು, ಅದರಲ್ಲಿರತಕ್ಕಂಥ ನ್ಯೂನತೆಗಳು ನಮಗೆ ಗೊತ್ತಾಗಿವೆ. ಈ ರೀತಿ ಒಂದು ಮಂಡಳಿಯನ್ನು ರಚನೆ ಮಾಡಬೇಕು ಎಂಬ ವಿಷಯ ಹೊಸದೇನೂ ಅಲ್ಲ. ಅನೇಕ ವರ್ಷಗಳಿಂದ ಇದು ಸರ್ಕಾರದ ಮತ್ತು ಸಾರ್ವಜನಿಕರ ಪರ್ಯಾಲೋಚನೆಯಲ್ಲಿತ್ತು ಎಂದು ಹೇಳಬಹುದು. ಮತ್ತು ಈ ಮಸೂದಾಕಾನೂನನ್ನು ಸಭೆಯ ಮುಂದೆ ಮಂಡಿಸಿರುವುದಕ್ಕಾಗಿ ಮಾನ್ಯ ಕಂದಾಯ ಮಂತ್ರಿಗಳಿಗೆ ಎಲ್ಲರೂ ತಮ್ಮ ಅಭಿನಂದನೆಗಳನ್ನು ತಪ್ಪದೆ ಕೊಟ್ಟಿದ್ದಾರೆ. ಆದರೆ ಶ್ರೀಮಾನ್ ಭೀಮಪ್ಪನಾಯಕರಂಥ ಮಾನ್ಯ ಸದಸ್ಯರು ಈ ಮಸೂದಾ ಕಾನೂನು ಈಗಿರುವ ರೀತಿಯಲ್ಲಿ ಕಾನೂನಾದರೆ ಈ ಮಂಡಲಿ ರಚನೆ ಆಗುವುದಕ್ಕೆ ಯಾವ ಉದ್ದೆಗಳಿದ್ದವೋ ಆ ಉದ್ದೇಶಗಳು ಪೂರೈಸುವುದಿಲ್ಲ, ಇದರಿಂದ ಏನೂ ಸಾಧ್ಯವಾಗುವುದಿಲ್ಲ ಎಂದು ಅವರು ಖಡಾಖಂಡಿತವಾಗಿಯೇ ಹೇಳಿದರು. ನಾನು ಅದನ್ನು ಸ್ವಲ್ಪ ತೇಲಿಸಿ ಹೇಳುತ್ತಾ ಇದ್ದೇನೆ. ಇದರಿಂದ ಯಾವ ಉದ್ದೇಶ ಇತ್ತೋ ಅದನ್ನು ಸಾಧಿಸುವುದಕ್ಕೆ ಸಾರ್ಥಕವಾಗುವುದಿಲ್ಲ ಎಂದು ಅವರು ಅಭಿಪ್ರಾಯ ಪಟ್ಟಿದ್ದಾರೆ. ಶ್ರೀಮಾನ್ ಪಟ್ಟಾಭಿರಾಮನ್‌ರವರು, ಶ್ರೀನಿವಾಸ ಅಯ್ಯಂಗಾರ್‌ರವರು ಮತ್ತು ಇತರರೂ ಕೂಡ ಇದರಲ್ಲಿ ಯಾವ ಯಾವ ಲೋಪದೋಷಗಳಿವೆ ಎಂಬುದನ್ನು ಎತ್ತಿ ತೋರಿಸಿದ್ದಾರೆ. ನಾನು ಈ ಬೋರ್ಡಿನ ರಚನೆಯನ್ನು ಸ್ವಾಗತಿಸುತ್ತಾ ನನ್ನ ಕೆಲವು ಅಭಿಪ್ರಾಯಗಳನ್ನು ಸಭೆಯ ಮುಂದೆ ಇಡಬೇಕೆಂದಿದ್ದೇನೆ. ಇದರ ಉದ್ದೇಶದಲ್ಲಿ ಹೇಳಿರುವ ಹಾಗೆ, ಸರ್ವೇ ಸೆಟ್ಲ್‌ಮೆಂಟ್ ವ್ಯವಸ್ಥೆ ಮತ್ತು ಜಮೀನು ದಾಖಲೆಗಳನ್ನಿಡುವುದು, ಎಕ್ಸೈಜು ಸುಂಕ, ಸರಕುಗಳ ಮೇಲೆ ಮಾರಾಟದ ತೆರಿಗೆಯನ್ನು ವಿಧಾಯಕ ಮಾಡುವುದು ಈ ವಿಷಯಗಳು ಮತ್ತು ಇತರ ವಿಷಯ ಸೇರಿ, ಜಮೀನು ಕಂದಾಯಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಎಲ್ಲಾ ವಿಷಯಗಳ ಸಂಬಂಧದಲ್ಲೂ ಏಕರೀತಿಯಾದ ಹತೋಟಿಯನ್ನು ಚಲಾಯಿಸುವುದಕ್ಕೆ ಅಧಿಕಾರಗಳನ್ನುಳ್ಳ ರೆವೆನ್ಯೂ ಬೋರ್ಡಿನಂಥ ಶಾಸನ ಬದ್ಧವಾದ ಯಾವ ಮಂಡಲಿಯೂ ಈಗ ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿಲ್ಲ. ಮದರಾಸು, ಮಧ್ಯಪ್ರಾಂತ್ಯಗಳಲ್ಲಿ ಈ ರೀತಿ ಬೋರ್ಡುಗಳಿವೆ ಎಂದು ಹೇಳಿ ಉದ್ದೇಶದಲ್ಲಿ ಸಾರಲಾಗಿದೆ.

4 P.M.

ಆದರೆ ಮುಖ್ಯವಾಗಿ ಇದರ ರಚನೆಯನ್ನು ನಾವು ಪರಿಶೀಲಿಸಬೇಕಾಗುತ್ತದೆ. ಈಗ ರೆವೆನ್ಯೂ ಕಮಿಷನರು ಮತ್ತು ಇತರ ಅಧಿಕಾರಿಗಳಿದ್ದಾರೆ. ಮುಖ್ಯವಾಗಿ ಮಂತ್ರಿಗಳು ಈ ಮಸೂದೆಯನ್ನು ಮಂಡಿಸುವಾಗ ಕೊಟ್ಟ ಮುಖ್ಯವಾದ ಕಾರಣವೊಂದನ್ನು ಅವರು ಕೊಡಬಾರದ್ದಾಗಿತ್ತೆಂದು ಈಗಾಗಲೇ ಶ್ರೀ ಪಟ್ಟಾಭಿರಾಮನ್‌ರವರು ಹೇಳಿದ್ದಾರೆ. ಅದೊಂದು ಕಾರಣವೆಂದು ಒಪ್ಪಿಕೊಂಡರೂ ಕೂಡ, ವರ್ಷಕ್ಕೆ 300-400 ಅಪೀಲುಗಳು ಬರುತ್ತವೆ. ಜೊತೆಗೆ ಸೇಲ್ಸ್ ಟ್ಯಾಕ್ಸ್ ಕಾನೂನು, ಟೆನೆನ್ಸಿ ಕಾನೂನು ಮುಂತಾದುವು ಅನೇಕವಾಗಿರುತ್ತವೆ. ಅವುಗಳನ್ನು ನಿರ್ವಾಹ ಮಾಡುವುದು, ಅದ

(ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ.)

ರಲ್ಲೂ ತಮ್ಮ ಇತರೆ ಕೆಲಸ ಕಾರ್ಯಗಳ ಜೊತೆಗೆ ನಿರ್ವಾಹ ಮಾಡುವುದು ಕಷ್ಟ, ಈ ಜವಾಬ್ದಾರಿಯನ್ನು ಬೇರೆಯವರಿಗೆ ವಹಿಸಬೇಕಾದ್ದು ಅಗತ್ಯವೆಂದು ಮಾನ್ಯ ಸಚಿವರು ಹೇಳಿದರು. ಈಗಿರುವ ಪದ್ಧತಿಯ ಪ್ರಕಾರ ಅಧಿಕಾರಿಗಳಿಗಿರುವ ಒಂದು ಅಧಿಕಾರಕ್ಕೇನಾದರೂ ಈ ಕಾನೂನಿನಿಂದ ಚ್ಯುತಿಬರುತ್ತದೆಯೆ, ಈಗಿರುವ ಅವರ ಅಧಿಕಾರಗಳು ಇದರಿಂದ ಮೊಟಕಾಗುತ್ತವೆಯೆ ಎಂಬ ಒಂದು ಸಮಸ್ಯೆ ಈಗ ಉದ್ಭವವಾಗಿದೆ. ಅಲ್ಲದೆ ಈ ಬೋರ್ಡನ್ನು ಒಂದು ಕೊನೆಯ ಮಂಡಲಿಯಾಗಿ ರಚಿಸಿದ್ದರೂ ಅಧಿಕಾರದ ವ್ಯಾಪ್ತಿಯನ್ನು ನೋಡಿದರೆ ಸರ್ಕಾರದವರು ಯಾವುದಾದರೂ ವಿಷಯದಲ್ಲಿ ಕೈಹಾಕುವುದಕ್ಕೆ ಅಧಿಕಾರವಿಲ್ಲದಿದ್ದರೆ ಯಾರಿಗಾದರೂ ಅನ್ಯಾಯವಾದೀತು ಎಂಬ ಒಂದು ಶಂಕೆ ಇಲ್ಲಿ ಸರ್ಕಾರದ ಮನಸ್ಸಿನಲ್ಲಿದ್ದಹಾಗೆ ಕಾಣುತ್ತದೆ. ಮೇಲಾಗಿ, ಈಗಿರುವ ರೆವೆನ್ಯೂ ಕಮಿಷನರಾಗಲಿ ಅಥವಾ ಇತರ ಸ್ಟೇಟ್ ಆಫೀಸರುಗಳಾಗಲಿ ಬೋರ್ಡಿನಲ್ಲಿದ್ದರೆ ಅವರು ಮಾಡಿರುವ ಕಾರ್ಯವನ್ನು ಮತ್ತು ಆರ್ಡರನ್ನು ಅವರೇ ಪರಿಶೀಲಿಸಬೇಕಾದ ಸಂದರ್ಭ ಬರುವುದರಿಂದ ಅವರ ಅಧಿಕಾರಕ್ಕೆಲ್ಲಿ ಚ್ಯುತಿಬರುತ್ತದೆಯೋ ಎಂಬ ಶಂಕೆ ಬೇರೆ ಇದೆ. ಹೀಗೆ ಈ ಎರಡು ಶಂಕೆಗಳಿರುವುದರಿಂದ ಈ ಕಾನೂನಿನ ಉದ್ದೇಶವನ್ನು ಚೆನ್ನಾಗಿ ಚಿತ್ರಿಸಿದ್ದರೂ ಕೂಡ ರಚನೆಯ ರೀತಿಯಿಂದ ಅದರ ಉದ್ದೇಶ ಸಾರ್ಥಕವಾಗಲಾರದೆಂಬ ಅನುಮಾನವಿದೆ. ಅಧಿಕಾರಿಗಳ ಅಧಿಕಾರಕ್ಕೆ, ಅವರ ಅಸ್ತಿತ್ವಕ್ಕೆ ಮಾನ್ಯತೆ ಬಂದರೆ ಅವರು ಸಂತೋಷಪಡಬಹುದು. ಆದರೆ ರಿವಿಷನ್ ಮತ್ತು ಅಪೀಲುಗಳ ಮೇಲೆ ಸರ್ಕಾರದವರೂ ಕೂಡ ಯಾವಾಗಬೇಕಾದರೂ ರಿಕಾರ್ಡು ತರಿಸಿಕೊಂಡು ತಮ್ಮ ತೀರ್ಮಾನ ಕೊಡಬಹುದು, ತಾವು ಕೂಡ ಅಷ್ಟು ಹೆಚ್ಚಿನ ಅಧಿಕಾರ ಈ ಕಾನೂನಿನಲ್ಲಿಟ್ಟುಕೊಳ್ಳಬಹುದು ಎಂದು ಕಂಡುಬರುತ್ತದೆ. ಈ ಎರಡು ಅಧಿಕಾರಗಳ ತಿಕ್ಕಾಟದಲ್ಲಿ ಈ ಕಾರ್ಯಕ್ಕೆ, ಅಸ್ತಿತ್ವಕ್ಕೆ ಈಗಿರುವ ರೀತಿಯಲ್ಲೇ ಈ ಕಾನೂನು ಜಾರಿಗೆ ಬಂದರೆ ಬಹುಶಃ ಇದರಿಂದ ಯಾವರೀತಿಯಲ್ಲೂ ನ್ಯಾಯ ದೊರೆಯುವುದಕ್ಕೆ ಸಾಧ್ಯವಾಗಲಾರದು. ಅಲ್ಲದೆ ಇಲ್ಲಿ ಬೋರ್ಡಿನ ರಚನೆ ಯಾವ ರೀತಿ ಆಗಬೇಕೆಂದು ಸೂಚಿಸಿದೆ ಎಂಬುದನ್ನು ಸಹ ನೋಡಬೇಕು. "ಮೈಸೂರು ಸಂಸ್ಥಾನದ ರೆವೆನ್ಯೂ ಬೋರ್ಡು ಎಂಬ ಒಂದು ಬೋರ್ಡ್ ಮಂಡಲಿಯು ರಚಿಸಲ್ಪಡತಕ್ಕದು. ರೆವೆನ್ಯೂ ಕಮಿಷನರೂ, ಎಕ್ಸೈಜು ಕಮಿಷನರೂ, ಸ್ಥಳೀಯ ಪ್ರಜಾಧಿಕಾರ ಶಾಖೆಯ ಕಮಿಷನರೂ ಮತ್ತು ಸಂಸ್ಥಾನದ ಸರ್ಕಾರದವರು ಆಗಿಂದಾಗ್ಗೆ ಇಸ್ತಿಹಾರ್ನಾಮೆಯ ಮೂಲಕ ನೇಮಕಮಾಡಬಹುದಾದಂಥ ಇತರ ಯಾರಾದರೂ ಆಫೀಸರಿದ್ದಲ್ಲಿ ಅವರೂ ಸದಸ್ಯರಾಗಿರುವಂತೆ ಆ ಬೋರ್ಡು ರಚಿಸಲ್ಪಡತಕ್ಕದು." ಎಂದು ಹೇಳಿದೆ. ಒಬ್ಬೊಬ್ಬ ಅಧಿಕಾರಿಗೆ ಈಗ ಸ್ವಾಭಾವಿಕವಾಗಿ ಏನೇನು ಅಧಿಕಾರವಿದೆಯೋ, ಅದನ್ನು ಅವರು ಇಂಡಿವಿಜುಯಲ್ಲಾಗೇನು ಡಿಸ್ಚಾರ್ಜ್ ಮಾಡುತ್ತಿದ್ದಾರೋ ಅದನ್ನು ಕಲೆಕ್ಟಿವ್ ಆಗಿ ಡಿಸ್ಚಾರ್ಜ್ ಮಾಡುವ ವ್ಯವಸ್ಥೆ ಮಾಡಿದರೆ ಆಗ ಅವರು ಎಷ್ಟರಮಟ್ಟಿಗೆ ಕುಳಿತು ಕೇಸುಗಳನ್ನು ತೀರ್ಮಾನಮಾಡಬಹುದು ಎಂಬುದನ್ನು ಗಮನಿಸಬೇಕು. ಇದು ಅಷ್ಟು ಸಾಧುವಾದ ವ್ಯವಸ್ಥೆಯಲ್ಲ. ಈಬಗ್ಗೆ ಮಾನ್ಯ ಸಭಿಕರು ತಮ್ಮ ಅಭಿಪ್ರಾಯ ನೀಡಿ ಇದು ಹೇಗೆ ಸಾಧುವಲ್ಲವೆಂಬುದನ್ನು ಸಭೆಯ ಗಮನಕ್ಕೆ ತಂದಿದ್ದಾರೆ. ಆದ್ದರಿಂದ ಇಲ್ಲಿ ತಿಳಿಸಿರುವಂತೆ ಈ ಬೋರ್ಡನ್ನು ರಚನೆ ಮಾಡುವುದರಿಂದ ನೀವು ಈಗಿರತಕ್ಕಂಥ ವ್ಯವಸ್ಥೆಯನ್ನು ಯಾವ ರೀತಿಯಲ್ಲೂ ಉತ್ತಮಗೊಳಿಸಲು ಸಾಧ್ಯವಾಗುವುದಿಲ್ಲ ಎಂಬುದು ನನ್ನ ಖಚಿತ ಅಭಿಪ್ರಾಯವಾಗಿದೆ.

ಇನ್ನು ಏಳನೆಯ ವಿಧಿಯಲ್ಲಿ "ಹುಕುಮುಗಳನ್ನು ಪುನಃ ಪರಿಶೀಲಿಸುವುದು" ಎಂದು ಹೇಳಿದೆ. ಅದರಲ್ಲಿ "ಬೋರ್ಡಿನವರು, ತಮ್ಮ ಸ್ವಂತ ಇಲಾಖೆಯ ಮೇಲಾಗಲಿ ಅಥವಾ ತೊಂದರೆಗೀಡಾದ ಯಾವ ಕಕ್ಷಿಗಳಾಗಲಿ ಅರ್ಜಿಯನ್ನು ಹಾಕಿಕೊಂಡುದರ ಮೇಲಾಗಲಿ, ತಾವೇ ಸಾದರುಮಾಡಿರುವ ಯಾವ ಹುಕುಮನ್ನೇ ಆಗಲಿ ಪುನಃ ಪರಿಶೀಲಿಸಿ, ಆ ಮೊಕದ್ದಮೆಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಅವರು ಆವಶ್ಯಕವೆಂದು ಭಾವಿಸುವ ಹುಕುಮುಗಳನ್ನು ಸಾದರುಮಾಡಬಹುದು." ಎಂದು ಸೂಚಿಸಲಾಗಿದೆ. ಹೀಗೆ ರಿವ್ಯೂ ಮಾಡುವುದು ಕೂಡ ಸಾಧುವಾದುದಲ್ಲ. ಹಿಂದೆ ರೆವೆನ್ಯೂ ಮಂತ್ರಿಗಳು ಅನೇಕವೇಳೆ ರೆವ್ಯೂಮಾಡಿರುವುದುಂಟು ಈಗ ಬಹುಶಃ ಅದಿಲ್ಲವೆಂದು ಕಾಣುತ್ತದೆ. ಎಷ್ಟೋ ಕೇಸುಗಳು ಒಂದು ಪಕ್ಷದವರಿಗೆ ಅನುಕೂಲವಾಗುವಂತೆ ತೀರ್ಮಾನವಾದಾಗ ಇನ್ನೊಂದು ಪಕ್ಷದವರು ಬಂದು ಅಪೀಲು ಮಾಡಿದಾಗ ಪುನಃ ರೆವ್ಯೂ ಆಗಿ ಅವರಿಗೆ ಅನುಕೂಲವಾಗುವುದು, ಹೀಗೆ ಒಂದೊಂದು ಕೇಸೂ 3-4 ಸಲ ರೆವ್ಯೂ ಆಗಿರುವ ನಿದರ್ಶನಗಳಿವೆ. ನನ್ನ ಅಧಿಕಾರಕ್ಕೆಲ್ಲಿ ಚ್ಯುತಿ ಬರುತ್ತದೆಯೋ ಬೋರ್ಡನ್ನು ರಚಿಸುವುದರಿಂದ ನನಗೆ ಅನುಕೂಲವಾಗಬಹುದೋ ಏನೋ ಎಂದು ಒಂದು ಸಂಕುಚಿತ ಮನೋಭಾವನೆಯಿಂದ ಒಂದು ಕಾನೂನು ಮಾಡಿದರೆ ಯಾವತ್ತೂ ಅದರಿಂದ ಅನುಕೂಲವಾಗುವುದಿಲ್ಲ. ಯಾವಾಗಲೂ ದೂರದೃಷ್ಟಿಯಿಂದ ಯಾವ ರೀತಿಯಲ್ಲಿ ಲಾಜಿಕಲ್ಲಾಗಿ ನ್ಯಾಯ ದೊರಕಿಸಬಹುದೆಂದು ನೋಡಿ ಅದಕ್ಕೆ ತಕ್ಕಂತೆ ಕಾನೂನು ರಚಿಸಬೇಕು. ಕಮಿಷನರುಗಳನ್ನು ಸೇರಿಸಿ ಬೋರ್ಡು ಮಾಡುವುದರಿಂದ ಅವರಿಗೆ ಈಗಿರುವ ಅಧಿಕಾರದ ಜೊತೆಗೆ ಸಮಷ್ಟಿಯಾಗಿ ಕಲೆಕ್ಟಿವ್ ಅಧಿಕಾರವೊಂದು ಕೊಡಲ್ಪಟ್ಟರೂ ಕೂಡ ಅವರೇ ಮಾಡಿರುವ ಆರ್ಡರಿನಮೇಲೆ ಅವರ ದಿನದ ಆಡಳಿತದ ಕೆಲಸ ನಿರ್ವಹಿಸಿ ಬೋರ್ಡಿನಲ್ಲಿ ಕುಳಿತು ತೀರ್ಮಾನ ಮಾಡಿದರೂ ಕೂಡ ಆಡಳಿತವನ್ನು ಉತ್ತಮಪಡಿಸುವುದಕ್ಕೆ, ಇರುವ ಕೊರತೆಯನ್ನು ಸರಿಪಡಿಸುವುದಕ್ಕೆ ಈ ಬೋರ್ಡಿನಿಂದ ಸಾಧ್ಯವಾಗುವುದಿಲ್ಲ. ಈ ವಿಚಾರದಲ್ಲಿ ಆಗಲೇ ಶ್ರೀ ಪಟ್ಟಾಭಿರಾಮಯ್ಯರವರು ಸಲಹೆ ಕೊಟ್ಟಿದ್ದಾರೆ; ನಿವೃತ್ತರಾದ ಐ.ಎ.ಎಸ್. ಆಫೀಸರುಗಳೂ ಸಹ ಈ ಬೋರ್ಡಿನಲ್ಲಿರಬಹುದೆಂದು ಹೇಳಿದ್ದಾರೆ. ರೆವೆನ್ಯೂ ಕಮಿಷನರು ಅಥವಾ ಇತರ ಕಮಿಷನರುಗಳಿರಬಾರದು, wholetime ಆಫೀಸರುಗಳಾಗಿರಬೇಕು, ಕೆಲಸಕಾರ್ಯ ಸರಿಯಾಗಿ ನಡೆಸುವುದಕ್ಕೆ, ಹತೋಟಿಯಲ್ಲಿಡುವುದಕ್ಕೆ ಎಗ್ಸಿಕ್ಯೂಟಿವ್ ಅಥಾರಿಟಿ ರೂಪದಲ್ಲಿರಬೇಕು ಎಂಬ ಉದ್ದೇಶವಿತ್ತು. ಈ ಉದ್ದೇಶ ಸಾರ್ಥಕವಾಗಬೇಕಾದರೆ ಈ ಬೋರ್ಡಿನ ಸದಸ್ಯರಿಗೆ ಸಾಕಷ್ಟು ಅಧಿಕಾರಗಳಿರಬೇಕು; ಅವರು ತೀರ್ಮಾನವನ್ನು ಕೊಟ್ಟರೆ ಅದೇ ಕೊನೆಯ ತೀರ್ಮಾನವಾಗಿರಬೇಕು. ಇಲ್ಲದೇ ಹೋದರೆ ಅವರು ಹೆಚ್ಚಿನ ಯಾವ ಕೆಲಸವನ್ನೂ ಮಾಡುವುದಕ್ಕಾಗುವುದಿಲ್ಲ, ಸರಿಯಾದ ತೀರ್ಮಾನ ಮಾಡಲು ಸಾಧ್ಯವಾಗುವುದಿಲ್ಲ. ಏಕೆಂದರೆ ಅಪೀಲಿಗೆ, ರಿವಿಷನ್ನಿಗೆ ಸರ್ಕಾರದವರು ಪದೇ ಪದೇ ಕೈಹಾಕುವುದಕ್ಕೆ ಅವಕಾಶವಿರಬಾರದು. ಸಾಮಾನ್ಯವಾಗಿ ಬೋರ್ಡಿನಲ್ಲಿರುವ ಅಧಿಕಾರಿಗಳೇ ಮಾಡಿರುವ ಅನೇಕ ಆರ್ಡರುಗಳನ್ನು ಅವರೇ ರೆವ್ಯೂ ಮಾಡಬೇಕಾಗುವುದರಿಂದ ಉದ್ದೇಶವೇನೇ ಇರಲಿ, ಕಾರ್ಯತಃ ಏನೂ ಸರಿ

ಯಾದ ಕೆಲಸವಾಗುವುದಿಲ್ಲ; ಏನೋ ಒಂದು ವಿಧದಲ್ಲಿ ರಾಜಿ ಮಾಡಿಕೊಂಡ ಹಾಗಾಗುತ್ತದೆ. ಇದರಿಂದ ಯಾವ ರೀತಿಯಲ್ಲೂ ಸಮರ್ಪಕವಾಗಿ ಕೆಲಸ ನಡೆಯಲಾರದು. ಇದನ್ನು ರಚಿಸುವುದರಿಂದ ಈಗಿರುವ ಪರಿಸ್ಥಿತಿಯಲ್ಲಿ ಒಂದು ಸುಧಾರಣೆಯಾದಂತಾಗುವುದಿಲ್ಲ. ಸಾಮಾನ್ಯವಾಗಿ ಇದರಿಂದ ಹಣಕಾಸಿನ ಖರ್ಚನ್ನೇನೂ ನಿರೀಕ್ಷೆಮಾಡಿಲ್ಲವೆಂದು ಹೇಳಿದ್ದಾರೆ. ಆದರೆ ಶ್ರೀ ಲಿಂಗಣ್ಣನವರು ಮತ್ತು ಇತರರು ಹೇಳಿದ ಹಾಗೆ, ಬೋರ್ಡಿನವರು ಕೆಲಸಕ್ಕೆ ಆರಂಭಿಸಿದಾಗ ಗುಮಾಸ್ತರು, ಸಿಬ್ಬಂದಿ ಇತ್ಯಾದಿ ಬೇಕಾಗಿ, ಅದಕ್ಕೆಲ್ಲಾ ಖರ್ಚಾಗಲೇಬೇಕಾಗುತ್ತದೆ. ಖರ್ಚಿಲ್ಲದೆ ಕೆಲಸ ನಡೆಯುತ್ತದೆಂದು ಸೌಮ್ಯದಿಂದ ಹೇಳಿದರೂ ಸಹ ಕಾರ್ಯತಃ ಅದು ಸಾಧ್ಯವಾಗುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ನಿಜವಾಗಿಯೂ ಸರ್ಕಾರದವರಿಗೆ ಈಗಿರುವ ಒಂದು ಪದ್ಧತಿಯನ್ನು ತೊಡೆದುಹಾಕಬೇಕು ಎಂದು ಇಷ್ಟವಿದ್ದರೆ ಬೋರ್ಡಿಗೆ ಸ್ವತಂತ್ರವಾಗಿರುವಂತೆ ಸಂಪೂರ್ಣವಾದ ಅಧಿಕಾರ ಕೊಡಬೇಕು. ಒಂದು ಆರ್ಡರು ಮಾಡಿದರೆ ಅದನ್ನು ಪುನರ್ವಿಮರ್ಶೆಮಾಡುವುದಕ್ಕೆ, ತೀರ್ಮಾನವೀಯುವುದಕ್ಕೆ ಅಧಿಕಾರವಿರುವಂಥ ಬಾಡಿಯಾಗಬೇಕು.

ಆಮೇಲೆ transition period ನಲ್ಲಿ ಬೇಕಾದರೆ ಇದನ್ನಿಟ್ಟುಕೊಳ್ಳಿ ಎಂದು ಶ್ರೀ ಪಟ್ಟಾಭಿರಾಮನ್‌ರವರು ಹೇಳಿದರು. ಆ ಅಗತ್ಯ ನನಗೆ ಕಾಣುವುದಿಲ್ಲ. ಈ ದಿವಸ ಮಂತ್ರಿಮಂಡಲ ಸರ್ಕಾರ ಯಾವ ರೀತಿಯಲ್ಲಿ ನಡೆಯಬೇಕು ಎಂಬ ರೀತಿ ನೀತಿಯನ್ನು ಮಾತ್ರ ಈ ದಿವಸ ಗೊತ್ತುಮಾಡಬೇಕಾಗಿದೆ. ಇದಕ್ಕಾಗಿ ಒಂದು ವಿಧಾನ ಸಭೆಯಿದೆ, ಒಂದು ರಾಜ್ಯಾಂಗವಿದೆ, ನಮ್ಮ ದೇಶದಲ್ಲಿ ಇವುಗಳ ಮೂಲಕ ರಾಜ್ಯಭಾರ ನಡೆಯುತ್ತಿದೆ. ಇದರಲ್ಲಿ ಅಧಿಕಾರ ಕೇಂದ್ರೀಕರಣ ಮಾಡಬೇಕೆಂದು ಅಪೇಕ್ಷೆಯಿದ್ದರೂ ಹಾಗೆ ಮಾಡಿದರೆ ಏನು ಅನಾಹುತವಾಗಿ ಬಿಡುತ್ತದೆಯೋ ಎಂಬ ಒಂದು ಭಯವಿದೆ. ಗ್ರಾಮ ಪಂಚಾಯಿತಿಗೆ ಕೊಡುವ ಹಣವನ್ನು ಅವರಿಗೆ ಕೊಟ್ಟರೆ ಏನಾಗುತ್ತದೋ ಎಂದು ಭಯ; ಹಣ ತಿಂದುಹಾಕಿಬಿಡಬಹುದೆಂಬ ಭಯ ಇದೆ. ಇಂಥ ಭಯ ಈ ಪ್ರಜಾ ಪ್ರಭುತ್ವದಲ್ಲಿರಲು ಕಾರಣವಿಲ್ಲ, ಅವಕಾಶವಿಲ್ಲ. ಆದ್ದರಿಂದ ಅಧಿಕಾರಗಳನ್ನು ವಿಕೇಂದ್ರೀಕರಣಮಾಡಬೇಕಾದರೆ ಅಂತಹ ಕಾನೂನು ರಚಿಸಬೇಕು. ಕಾನೂನು ರಚನೆ ಮಾಡುವ ಹಕ್ಕು ವಿಧಾನ ಸಭೆಗೆ ಯಾವತ್ತೂ ಇದೆ. ಒಂದುವೇಳೆ ಈ ಬೋರ್ಡಿನ ರಚನೆಯಲ್ಲಿ ಮತ್ತು ಈ ಬೋರ್ಡು ಕೆಲಸಮಾಡುವ ರೀತಿನೀತಿಯಲ್ಲಿ ತೊಡಕು, ಲೋಪದೋಷ ಕಂಡುಬಂದರೆ, ವಿಧಾನ ಸಭೆಯು ತಕ್ಷಣ ಈ ಕಾನೂನನ್ನು ತಿದ್ದುಪಡಿ ಮಾಡುವ ಅಧಿಕಾರ ಪಡೆದಿದೆ. ಅಧಿಕಾರಿಗಳು ಹೆಚ್ಚಾಗಿ ಬೇಕಾದರೆ ಕೊಡಬಹುದು, ಅಧಿಕಾರಿಗಳ ಸಂಖ್ಯೆ ಹೆಚ್ಚಾಗಿದ್ದರೆ ಮೊಟಕು ಮಾಡಬಹುದು. ಆದ್ದರಿಂದ ಈ ದಿವಸ ನಮಗೆ ಯಾವ ಭಯವೂ ಇಲ್ಲ. ಬೋರ್ಡು ಮಾಡಿರುವ ಕೆಲಸದಲ್ಲಿ ಅನುಮಾನ ಬಂದಾಗ ಅಥವಾ ಅಪೇಕ್ಷೆಪಟ್ಟಾಗ ಸರ್ಕಾರ ರಿವಿಷನ್ ಮಾಡಬಹುದು, ಪರಿಶೀಲಿಸಬಹುದು ಎಂದು ಹೇಳಿದರೆ ಪುನಃ ಬೋರ್ಡಿನ ಕೆಲಸ ಅಸಮರ್ಪಕವಾಗುತ್ತದೆ ಮತ್ತು ನ್ಯಾಯ ದೊರೆಯುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಈ ಬೋರ್ಡನ್ನು ರಚನೆಮಾಡುವ ಉದ್ದೇಶ ಇಲ್ಲಿ ವಿವರಿಸಿರುವಂತೆ ನಿಜವಾಗಿದ್ದರೆ, ನಿಜವಾಗಿಯೂ ಉದ್ದೇಶ ಸಾರ್ಥಕಪಡಿಸಬೇಕಾದರೆ, ನನ್ನ ಅಭಿಪ್ರಾಯದಲ್ಲಿ ಈ ರೀತಿಯಾಗಿ ಒಂದು ಬೋರ್ಡನ್ನು ಇಲ್ಲಿ ಅಡಕವಾಗಿರುವ ಹಾಗೆ ಮಾಡುವ ಒಂದು ಹವ್ಯಾಸಕ್ಕೆ ನೀವು ಹೋಗದೆ ಈ ಸಭೆಯಲ್ಲಿ ಇದುವರೆಗೆ ವ್ಯಕ್ತಪಡಿಸಿರುವ ಅಭಿಪ್ರಾಯಗಳನ್ನು ಗಮನಿಸಿ ಈ ಮಸೂದಾ ಕಾನೂನನ್ನು ಆಮೂಲಾಗ್ರವಾಗಿ ತಿದ್ದುಪಡಿ ಮಾಡಿ ನಿಜವಾಗಿಯೂ ಅನುಕೂಲವಾಗುವಂತೆ ಮಾಡಬೇಕು. ಈಗ ಮದ್ರಾಸಿನ ಕಾನೂನನ್ನು ಆದರ್ಶವಾಗಿಟ್ಟುಕೊಳ್ಳಬೇಕಾಗಿಲ್ಲ, ಬೊಂಬಾಯಿ ಕಾನೂನೇ ಕೊನೆಯ ಆದರ್ಶವಲ್ಲ. ಅವುಗಳಲ್ಲಿರುವ ಲೋಪದೋಷಗಳನ್ನೂ ಪರಿಹಾರ ಮಾಡಿ ಒಂದು ಹೆಜ್ಜೆ ಮುಂದೆ ಹೋಗಿ ಅತ್ಯುತ್ತಮವಾದ ಒಂದು ಬೋರ್ಡನ್ನು ರಚಿಸಬೇಕು. ಹಾಗೆ ಮಾಡುವುದರಿಂದ ಈ ಸರ್ಕಾರದ ಮಂತ್ರಿಗಳಿಗೂ ಮತ್ತು ಅಧಿಕಾರಿಗಳಿಗೂ ಇರುವ ಕೆಲಸ ಕಡಮೆಯಾಗುವುದೂ ಅಲ್ಲದೆ ಕೊನೆಯಲ್ಲಿ ಮುಖ್ಯವಾದ ವಿಚಾರಗಳಲ್ಲಿ ಸರಿಯಾದ ನ್ಯಾಯ ದೊರೆಯುವುದಕ್ಕೂ ಸಹ ಅನುಕೂಲವಾಗುತ್ತದೆ. ಇಂಥ ಬೋರ್ಡನ್ನು ರಚಿಸಲು ಸರ್ಕಾರದವರು ಮುಂದೆ ಬರುತ್ತಾರೆ, ಈ ರೀತಿಯಾಗಿ ಮಾಡುತ್ತಾರೆ ಎಂದು ಆಶಿಸಿ ನನ್ನ ಎರಡು ಮಾತುಗಳನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

Sri T. MARIAPPA (Mysore City North).—Sir, I would like to make only a few observations on the Mysore Board of Revenue Bill now being discussed by the House. I have heard with great attention the very valuable suggestions put forward by my Hon'ble friend Sri K. Pattabhiraman. He laid great emphasis on the need for a measure of this kind. But he very cleverly and ingeniously tried to make out that the reasons advanced for bringing in a measure of this kind were not sound and that they should not form the basis for legislation of this kind. That apart, I would like this Hon'ble House to consider the system in vogue now in the Mysore State. Sir, the Land Revenue Code in force in Mysore is of the year 1888. From the year 1888 other measures have also come into effect and the officers named in this Bill have been administering those enactments. Therefore, the present system is simple, direct, effective and easily understandable by the masses of the people. But I may suggest in this behalf that it is also very convenient for us lawyers who always like to have not a very direct and simple measure but a measure wherein they can argue for considerable length of time, throwing much light on the most complicated provisions of any enactment. Mysore State is after all a small State. The system in vogue is most effective and direct. It has been in practice for a long time but now the necessity it felt to have a statutory Board of Revenue.

Sri J. MOHAMED IMAM.—Only it is going to become big.

Sri T. MARIAPPA.—It may or may not be going to become big. But it is felt that the Board may expeditiously dispose of the present litigation that has been coming up to Government. This hope is expressed and that hope may or may not be realised by the device that we are going to adopt under this Bill. The main provisions of the Bill have to be examined before we give our own opinion as to whether it is in the best interests of the State or whether it would give us the desired result of expediting the disposal of numerous appeals and revision petitions that come up before the Government often times. The measure is also simple in this sense that instead of Government taking the trouble of hearing appeals or revision petitions themselves, an intermediate Board of the sort contemplated in this Bill may be set up not only to hear appeal and revision petitions but also to exercise the powers now exercised by the Government. But the apprehension that has been expressed by some members is that the Board would not be competent or the members of the Board would be most embarrassed in deciding upon some of the appeals or revision petitions, particularly when they have to reverse the orders of their own colleagues. I am sure the Hon'ble Minister for Revenue would bear in mind these apprehensions.

Sri J. MOHAMED IMAM.—It is prompting!

Sri T. MARIAPPA.—A similar procedure is now prevailing in the ordering of the business of the High Court. And I would like to make a personal appeal to the Minister that the analogy of the High Court need not be dragged in to justify the creation of a Revenue Board. The High Court is the supreme authority. It has got not only the powers vested in it under certain enactments but also it has certain inherent powers. But this Board on the other hand is the creation of a statute merely and specifically for certain limited purpose under a new enactment.

Let us consider questions under the Land Revenue Code. At present, the Revenue Commissioner has not only the appellate authority over his subordinate functionaries but has also got original jurisdiction. Sir, as Sri Pattabhiraman put it, the poor man is still backward; he needs all help at the hands of the Government. The ushering of democracy is only very recent. Large number of people look to the Government for redress at times. Having as we have civilian officers,—I mean no reflection on them—they usually administer the law as it is. At times it is not possible to get proper justice. Certain appeals are disposed of on mere technical grounds and they may not be able to do justice required in certain circumstancs. I do not agree with all those who want the Government to be divested of all their powers of revision and appeal. Perhaps, they are under the impression that the executive is likely to be influenced by political considerations. Sir, show me one instance in which they are not influenced by other considerations, congenial or non-congenial. Therefore, that should not be the ground. It all depends upon the person who administers the law. If he is a conscious person, if he is well-versed in law, it would not be difficult for him to administer the law in a just manner even though he forms the executive for the time being. Therefore, to say that his judgments or pronouncements is likely to be affected by political considerations will be reading more meaning or making some imputation to the incumbent there. Sir, apart from these decisions, are there not a not a hundred and one other matters where he is going to give decisions which would ultimately affect the lives and destinies of the people? Therefore, it is but just that we must have that much of confidence in the person who hears appeals even on the revenue side. It is true that there is accumulation of work after the advent of democracy. But it does not mean that the people, all on a sudden, have become more litigious. It is not so.

Formerly, even under the present enactments, there used to be appeals though very rarely. Because, even under the law, it is only on a point of law an appeal lies to Government. But

what has happened is, at times and in certain circumstances when there is gross miscarriage of justice, certain appeals or revisions come up. What is contemplated is, that the entire work of appeals should be heard by the Board ; still clause 6 opens up the same flood gate in the form of revision petitions. In that form thousands of applications will come in. If the law is strictly adhered to, most of the applications could be rejected if they are frivolous. But supposing some of these applications disclose some faulty grounds. I want Government to have the power and to exercise it to give the much needed relief to the people of the country. All are not enlightened. All do not understand law and its entire scope. Even some of the lawyers, with great respect to them, do not understand the entire scope of law. Even the clients may not have that much of capacity to engage brilliant lawyers to give them proper advice. In all such cases . . .

Sri K. HANUMANTHAIYA.—In fact, some clients argue more brilliantly than lawyers.

Sri T. MARIAPPA.—May be. I have seen many people coming up to executive officers and getting justice, villagers coming up to Deputy Commissioners and getting justice without the assistance of any lawyers. It is possible. Because, it is the executive that can really sympathise with the lot of these people. After all in revenue matters, there are only questions of land, questions of encroachment and such other matters. Therefore, there is no reason why the Government should try to divest themselves of these powers.

There is another point. If a Board is contemplated with co-ordinate powers of the Government, a body which is higher than the Revenue Commissioner, the Excise Commissioner or the Local Self-Government Commissioner, there would have been some justification to say that such statutory Board is necessary and it would give the much needed relief to the Executive. But it is not so. It looks as though the arrangement now made is one where the very members who now exercise their functions are transformed into a different category altogether as soon as they become the members of the Board. Sir, human nature being what it is, particularly when these are co-ordinate officers and one is likely to succeed the other in the course of a year or two, such being the composition of the Board, whatever may be its justification for its existence in Bombay and Madras, I do not think it will be helpful here. There was a move in Madras to get back to the simple, direct and effective method. Perhaps a committee has been set up recently after the advent of the new Ministry, to go into the whole question. Therefore, let us have a system which is simple, direct, effective and easily understandable by the public at large. I would make a personal appeal here or in the Select Committee. Let us not be in a hurry and create a statutory body the functions of which would not be in the best interests of the people. If I may use another expression, who knows it may become a fifth wheel in the coach. It may not function smoothly, because Benches have to be constituted by the Chairman. There is no provision for the appointment of the Chairman. Supposing some subsidiary rule is framed for the constitution of Benches, even then conditions in Madras are not exactly alike in Mysore. There is no similarity. Because formerly in the British Indian provinces the seniormost members of the Civil Service used to be the Secretaries and the juniors used to be the Heads of Departments. In Mysore, by experience we have adopted both, namely senior members of the service as secretaries and juniors the heads of departments and junior members as secretaries and senior members as the heads of departments. This is functioning well here. That is why the Revenue Commissioner used to be the seniormost person in the civil service. Therefore, what I say is, conditions are not alike in Madras and Mysore. Even so it is with regard to the Centre. There is a Board of Revenue there and there the seniormost men are the members. Here we have both seniormost and junior men. We have worked this experiment

(SRI T. MARIAPPA.)

and it is successful. Juniors are made to work as secretaries and sent on to districts. Therefore this Board may not be able to fulfil the expectations of the Hon'ble the Revenue Minister. His idea is that remedy must be cheap and expeditious. But whether it is going to be fulfilled is the point. Therefore I make a special appeal to him to consider this in all its aspects. Let us not create a new body. What happens is: there are three officers: all the three are over-worked today. The Revenue Commissioner is over-worked because in addition to other duties he has got other development works to attend to. Similarly the Commissioner for Local Self-Government. Similarly the Excise Commissioner. They have to administer so many subsidiary Acts, smaller Acts.

4-30 P. M.

Therefore in this welfare State all these three officers have got hundreds of functions in addition to attending to a number of committee meetings. I have had occasion to deal with them. Almost for ten days in a month they had to be at the Secretariat. They have got to tour the various areas of the State in the discharge of their official duties and how will all of them together find time to sit as a Revenue Board? Sir, Mysore has developed a new system. I had occasion to tour the whole of India during the last six months. Our officers have developed personal contact with the masses; people know them and they know the people. This is a feature which is entirely absent in the former British Indian Provinces. There is an air of aloofness. It is only recently after the inauguration of the Community Projects and the National Extension Services that these officers are slowly developing this mass contact; even that is very slow. This is a feature that we are able to notice in spite of the suggestions from the Planning Commission to the officers to mix very freely with the masses and become one with them. This was the system that was there and I do not blame anyone. But Mysore had developed a method of training officers who could keep closest touch with the masses. You will be depriving them of this advantage if you are going to load them with more and more work. Your object is to get relief from the huge volume of work; but in reality you will not get that expected relief. What happens is that in the form of revision applications, they will still be before you. With the political climate that is prevailing now the Minister will never get relief and that is bound up with that political climate when democracy is still in its infancy. Therefore in my humble opinion, the very purpose will be defeated by this provision. If the Board is entirely different from the Heads of Departments, we can advance some arguments. In that case, are you prepared to appoint retired judges or other judges on a level with the Government? They could certainly be expected to bring to bear that impartial judgment. On the other hand, what happens is this. The executive officers will exercise original powers and they will have appellate powers if they sit up hearing appeals. Let it be noted that they will not be able to attend to inspection work.

Sri Kadidal MANJAPPA.—They are hearing appeals even now.

Sri T. MARIAPPA.—It is very difficult to co-ordinate the work of all the three Officers. Suppose the Chief Minister wants one or two officers to accompany him in his tour. Then work will suffer. Instead of expeditious disposal of work, I very humbly submit before the House, there will be more accumulation of work. We need not be in a hurry; let the present system function for some more time; we shall then think about the matter and see whether such a body is after all necessary.

Lastly, I would like to make a personal request. Sir, we need not tell the House that the work is too much. We must sit over-time and work hard. If necessary you can have two more Ministers.

A MEMBER.—Deputy Ministers.

ANOTHER MEMBER.—So, take one more Minister.

Sri T. MARIAPPA.—That is a different matter. Mysore administration used to be carried on by only two

Ministers but now work has also accumulated to a very great extent. Work in the past was entirely different. I have argued before the Revenue Commissioner for not more than five minutes on a point of law. He has disposed of appeals. It cannot be done so now. He must at least pretend to hear. Even the poorest man has a claim on the Ministers. It is as it should be. Therefore, Sir, let him not say there is more work, or that he is over-worked.

Sri Kadidal MANJAPPA.—I never said that I was over-worked. I only brought to the notice of the House the number of appeals.

Sri T. MARIAPPA.—I know Sri Kadidal Manjappa is capable of putting in over-time work. Sir, I for one would say that even now the Government have power and if only this power is strictly enforced, they can dispose of 95 per cent of the work. If they still feel any difficulty, then decentralise the power. Invest the Revenue Commissioner with more power to deal with the entire revenue matter fully; the Commissioner for Rural Development may be given more powers to deal with the work in his sphere more fully. Naturally work on the table of the Minister gets reduced. If you simply concentrate power in the hands of Ministers, what happens is, political considerations come in. Everybody would like to be heard by the Minister and village lawyers appear and it would be very difficult for the Government to dispose of cases. It would therefore be much better if the Revenue Commissioner is given more power and only on points of law Government may have appeals. In Mysore the Government has also the revisionary powers. Sir, there are certain special taxation measures in force. For example, the Sales-tax Act is a most complicated measure. It is not always that all officers can follow that Act. Therefore it is better that these officers alone are made to hear the appeals. If you mix up other officers in the Board, it would rather be greatly embarrassing to them. Therefore, it is better to continue the present system. Over these decisions, if you want you can have a small Board or Tribunal which would function on a higher level. Let the Revenue Commissioner and the Excise Commissioner feel that there is a higher body which would scrutinise their work. The executive officers, if they are aware that their work is subject to scrutiny at a higher level, they know what sort of judgments to write. Therefore at least from the point of view of the proper administration of the revenue laws, it is better to have this system. After all the Heads of Departments will have gone into the entire facts of the case and parties come to the Government only on points of law or on revision petitions. Let the Government not divest themselves of these powers. Sir, democracy in its correct form is being worked in the United Kingdom. There the Ministers do not generally tour. But the system prevailing here is slightly different. We have really to develop a democratic outlook. We need not be very hasty.

With these few remarks, I would once again personally request the Hon'ble the Revenue Minister to think over the matter, consider all aspects of the matter that have been raised and then bring such amendments as he may prefer or bring in a new measure which would certainly give the desired benefit to the masses. The Revenue Department is a department which has the closest touch with the masses and the Government should help them to maintain this contact with the masses.

Sri V. M. MASCARENHAS (St. John's Hill).—Mr. Speaker, Sir, I support the stand taken by my Hon'ble friend Sri T. Mariappa. Fears have been expressed by other members that the Bill as it stands will not serve its purpose. The Board as contemplated to be constituted will not serve the purpose for which it is proposed to be constituted. Three officers who have already heavy work on hand sit in judgment over cases which they might have individually dealt with already. I am afraid that a system of that kind where a person sits in judgment over his own judgment is not to be found anywhere. I do not think it will appeal to anybody. Over and above that, Sir, it is within our experience,

(SRI V. M. MASCARENHAS.)

how difficult it is to get an ordinary Government official and how often meetings of committees are postponed weeks and months to get the Head of a Department to the committee. When this is the case, when here are thousands of applications pending, with these three officers who are touring officers, who are at the mercy of the Ministers while they (Ministers) are on tour, is it possible for the Board to sit 8 or 10 days in Bangalore and hear these revision petitions? I for one, do not believe it. If you have a Board with absolute whole-time people who do nothing but this work, I agree. But, if you want to save money and therefore put these three officers who are already burdened with heavy work, I am definitely of the opinion that no useful work will be turned out. Sri Mariappa suggested that the Hon'ble Minister for Revenue, Sri Kadidal Manjappa, may sit a little overtime and work. No Sir; I for one, would not agree for this. The poor Revenue Minister........(*Loud laughter*)......... I will tell you why I have called him as poor. He has the revenue portfolio which is a heavy portfolio. He has a revenue collecting department in the Sales Tax Department. Added to this, he has the Muzrai Department and the Public Works. In my opinion, it is inhuman to burden one single minister with so many portfolios. Every month he has to hear hundreds of appeals. The mistake has been with our system, not with the man. So, if only the Revenue portfolio is given to the Minister, I am certain that he can look after the appeals and the need for this Board will automatically vanish.

A MEMBER.—You are making a suggestion to have another Minister.

Sri Kadidal MANJAPPA.—I have disposed of nearly 1,500 appeals.

Sri V. M. MASCARENHAS.—Congratulations, Sir. If you say that, then this Bill falls through. Because you said that you are rather overworked, we thought of having this Board. If however you say that you have disposed of so many cases, I will merely say that the *status quo* may continue; I shall wish the best of luck to the Hon'ble Minister Sri Kadidal Manjappa and sit down.

(*Loud laughter.*)

Sri B. T. KEMPARAJ (Bangalore South—Scheduled Castes).—Mr. Speaker, Sir, many Hon'ble Members have already spoken on this Bill. I personally feel that it is high time that such measure should be brought into force. Sir, the number of revenue as well as sales-tax appeals are increasing day by day. Again, there are the excise appeals. It is a matter which requires great deal of consideration as to how these three officers sit together and work together. All the three Members of the Board attend to the appeals against the orders of the Deputy Commissioner whether it is in respect of revenue, sales-tax, or excise. In one person, that is the Deputy Commissioner, we see that there are so many branches of work wherein he passes orders on which different appeals lie with different authorities. I feel, Sir, there will be no harm if all these Heads of Departments are made to sit together as a Board and dispose of the appeals. But, one point which we have to consider seriously is, whether one Head of Department can sit in judgment over an order passed by him as an appellate authority, again in the Board as a member of the Board. That has to be clarified here before we think of giving any powers to the Board or think of constituting a Board of this kind. As already pointed out by several Hon'ble Members, if one officer who sits in judgment as an appellate authority over the orders passed by the Deputy Commissioner, is made to sit again in the Board where he has to give a decision, some inconvenience will be caused to such officer. It will be somewhat irksome for him to give his decision on a matter which he has already disposed of. To make this process easy, it should be clearly pointed out that the appeal over the orders of the Deputy Commissioner should lie only before the Board; otherwise, it will mean that the Board will be an intermediary body between the Government and Heads of Departments who are now

acting as the Appellate Authority. Sir, as has already been pointed out by some of my Hon'ble friends, we have to think of the working of this Board from the point of view of illiterate persons who are not aware of the proceedings of law. As it is, a person who has to prefer an appeal against the orders of the Deputy Commissioner either in respect of revenue or excise or sales-tax, finds it very difficult as to whom he should go and file his appeal. Under such circumstances, the poor man who is ignorant of law will very much be handicapped as to where and how he should appeal to the members of the Board. Again, as far as the constitution of the Board is concerned, it is very misleading because of the reason as to who should be the chairman is not mentioned. If an appeal should be preferred, should it be preferred to the Board or to the Chairman of the Board? Therefore, there is also some misleading factor as far as the formation of the Board is concerned. It is essential for us to see how the Board should be constituted, who should be members, who should be the Chairman, who should directly receive appeals when there are no members of the Board and when the Board is not sitting, and the time and place where exactly the members should sit and when the appeals will be entertained by the members of the Board. These also should be mentioned clearly for the guidance of the people who seek redress at the hands of the Board.

The Government may be thinking that by constituting this kind of Board their work may be lessened, that the work of the Hon'ble the Revenue Minister may decrease. But under clause 6, it could be seen that on a point of law there may be revision preferred to the Government. Though the Board comes into existence, anyway revision lies to the Government under this clause. As the Hon'ble Member Sri T. Mariappa pointed out, it is necessary, for some time more, to have even the appellate authority retained by the Government for the simple reason that in some of the cases the party may not be aware of the judgment awarded by several officers, the executive Heads of Departments. Sometimes we see that in most of the cases relief given is not timely. Thereby justice will not be meted out to the party in difficulty. Let us take for instance a case. There will be two parties to a case. The appellant will prefer the appeal but there will be no notice served on the respondent. Under such circumstances the Government should reserve such power so that justice may be done to the parties. The Government should not think that our people have all the enlightenment which this Act or statute contemplates, because our people have not come up to the mark. Therefore I feel it is necessary that the Government should have a provision for appeal being heard by Government.

With these remarks I welcome this Bill; because of the existing conditions the necessity for the Board is welcome and I thank in particular the Minister for having attempted to bring forward such a Bill before this House.

Mr. CHAIRMAN.—There are only four minutes more to Five of the Clock. I do not think any Hon'ble Members are willing to speak in this short time. So we will continue the debate on this Bill tomorrow.

Several MEMBERS.—Yes, Sir.

Mr. CHAIRMAN.—The House stands adjourned and will meet again at 12 Noon tomorrow.

The House adjourned at Fifty-six Minutes past Four of the Clock to meet again at 12 Noon on Wednesday, the 13th October 1954.

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